

April 12, 2006

PETE,

Please docket for

CA No. 06-127 KAJ

28 U.S.C. § 2254



RE: The enclosed supporting paperwork to be used for my
Petition under 28 U.S.C. § 2254 / CA No. 06-127 KAT filed
w/ the Court 2006 Mar 13 PM 3:01

From: CHARLES FRANCIS CARDONE - SBI #098159

①

Dear Sirs:

In 1996, my wife of 18 years and the Mother of my now 27 year
old twin sons, decided it was time to "call it quits"... Since then I
have been dealing w/ the justice system down here in Georgetown, via
the public defender's office, and, since the end of 2004, a conflict/
court appointed / pool lawyer who is now a defendant in a recent 1983
action I have filed w/ the court (one of the defendants).

As an indigent / disabled defendant, allow me to state, facetis,
the majority of attorneys and judges of Sussex County wouldn't know
justice and due process if they tripped over them while walking
down the street... if jurisprudence was to bite them in their
arse they would think it was a swarm of mosquitoes and swat
them away. I could continue w/ an anecdote, but, I will elect
to keep this notification to the Court short and, prayerfully, absit
omen.

When, and if, you receive this paperwork, please acknowledge
receipt of same... allow me to explain: Since my transfer from
SCI to DCC in May of 2005, I have been, and continue, to be,
subject to retaliatory tactics ~~by~~ by Delaware DOC and it's
agents. As evidenced by my several 1983's and recent filings
of Small Claims actions to recover monies ill-gotten by
DCC and its agents, I am being given "Hole Time", (Isolation),
medications being withheld under the guise of "we →

X In my letter to Peter, I wish this letter to be
 attached to my complaints and is to be regarded as supplemental
 papers which I feel are necessary to support my claim ---
 No Shep - 10-3-05
 Shephard v. White v. State, 807 A.2d 579, 2002 WL 31127542
 (Del. Supr.)
 : Fisher v. State, 829 A.2d 141, 2002
 (Del. Supr. 2003 WL) (2)

ran out," and, more recently, being "moved" to different
 parts of this prison... a week here, a week there, which in
 turn prohibits my law library paperwork catching up w/me.

As to the accompanying paperwork... please docket same to be
 used in support of my writ. I cannot provide all the transcripts
 as I have been refused copies, as evidenced by my enclosed
 requests.

I realized

It wasn't until my actual trial that I was being framed,
 maliciously and in violations of my constitutional guarantees. I
 endured to make my desires known to the various courts, to the
 various judges, to the various agents which I have en-
 closed for the Court's considerations.

When I get moved, my personal property gets inventoried (-
 ransacked) so, each time I re-inventory my legal paperwork,
 I find more and more material "missing"....

Yes, I consider these allegations, charges, federal law
 suits (1983's) very serious, as I know the Court does, too.

I am in the process of mailing my son my
 legal work. Since my personal dealings (since 1996)

Con't →

IM CHARLES F. CARDONE
SB# 098159 UNIT Bldg (7) CU 4
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

LEGAL
Mail



* Clerk of the Court *

U.S. District Court
844 N. King St., Lockbox 18
Wilmington
DE 19801
U.S. DISTRICT COURT
K. RAY

Pow. mia

RE: The ~~enclosed~~ enclosed supporting paperwork

for 28 U.S.C § 2254 / CA No. 06-127 KAJ

filed 2006 Mar 13 PM 3:01

Sir:

I have filed the above Habeas Corpus to object to my imprisonment and therefore I am seeking a review of my conviction and or sentence in federal court. I wish to ensure that I am not being imprisoned in violation of our Constitution. I have been denied relief pursuant to the enclosed order of my direct appeal. (No. 397, 2005 Supreme Ct., Del.) My 2254 contains issues that could have been raised at trial or in my direct appeal, BUT those issues were denied me because of (1) Ineffective assistance of Counsel (2) Prosecutorial Misconduct (the improper, unethical and/or illegal behavior engaged in by the government in my prosecution); (3) another basis for my habeas corpus actions (prosecutorial misconduct) is Brady claims: (a) testimony by government witnesses that was exculpatory, exculpatory testimony by my alleged victim... my court appointed atty knew of this exculpatory testimony because I told him prior to trial. When this exculpatory testimony was presented, illegally, by the government, my atty would not object nor raise it as a claim of error in my direct appeal. That is why I was, and am, so adamant on being given whole and complete transcripts of all phases of my case, from preliminary hearing, motion to withdraw hearing (Callaway) Dec. 3, 2004, May 12, 2005 Motions to recuse the judge (Braves) and produce pre-sentence reports, March 28, 05 trial, and lastly, July 29, 05 sentencing hearing and Vop sentencing hearing. - I sincerely believe the above violations and misconduct is serious enough to warrant the granting of my writ of habeas corpus. Thank You,
Charles F. Cardone

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES CARDONE,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.§
§
§
§
§
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§
§
§

No. 397, 2005

Court Below: Superior Court
of the State of Delaware
in and for Sussex County
Cr. I.D. No. 0409005091A

Submitted: February 8, 2006

Decided: March 17, 2006

Before **HOLLAND, BERGER** and **RIDGELY**, Justices.ORDER

This 17th day of March, 2006, on consideration of the briefs of the parties,
it appears to the Court that:

1) Charles Cardone was convicted, following a jury trial, of aggravated menacing, criminal trespass, and resisting arrest. The Superior Court also found that Cardone violated probation with respect to prior convictions for assault third degree and assault second degree. Cardone appeals from his sentence, arguing that the trial court's refusal to give him a copy of his presentence report deprived him of due process. We find no merit to this claim, and affirm.

2) Prior to sentencing, Cardone's counsel asked for a copy of Cardone's presentence report in order to review its contents with his client. The Superior Court denied the request, noting the expense of making copies. The trial court observed that counsel could take notes or even copy the contents of the report by hand, if he wished. At sentencing, Cardone's mother and stepfather spoke on his behalf. In addition, Cardone engaged in a dialogue with the court about his prior convictions and his objection to the conclusions drawn by the psychologist who conducted a court-ordered evaluation of him. The court then sentenced Cardone to a total of 13 years at Level V, suspended after successful completion of the Greentree Program for Level IV, suspended after successful completion of the Crest Program for Level III probation.

3) Cardone argues on appeal that, by not being allowed to review a photocopy of the presentence report, he was deprived of a fair opportunity to comment on the information contained in that report. The presentence report includes police reports from prior arrests, and Cardone contends that the information in those police reports may not have been accurate. Cardone relies on *Moore v. State*¹ in arguing that he must be given a copy of the presentence report as a matter of fundamental fairness.

¹887 A.2d 466 (Del. 2005).

Alternatively, he cites *Shepard v. United States*,² and contends that the trial court improperly took judicial notice of the police reports, which were included in the presentence report, when imposing his sentence.

4) Cardone's authorities are inapposite. In *Moore*, the presentence report had been redacted, and the trial court apparently relied on some of the redacted information. This Court held that fundamental fairness requires that defendants be given an opportunity to explain or rebut uncorroborated information that the court relies upon in sentencing. Moore was deprived of that opportunity because neither he nor his attorney had ever seen the redacted information.³ Here, by contrast, the entire presentence report was available to Cardone's attorney for as long as he needed. Thus, Cardone's ability to explain or rebut any uncorroborated information was not impaired.

5) The *Shepard* decision, likewise, is distinguishable. There, the United States Supreme Court held that a court may not rely on police reports to establish that a prior conviction satisfies the elements necessary to serve as a predicate felony for purposes of enhanced sentencing. Cardone was not given an enhanced sentence. Moreover,

²544 U.S. 13 (2005).

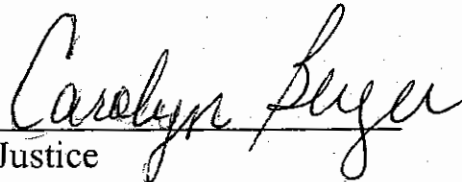
³*Moore v. State*, 887 A.2d at 469.

the trial court expressly stated that it was not relying on any charges that did not result in a conviction.

6) In sum, Cardone was given access to the presentence report, and a full opportunity to comment on that report in accordance with Superior Court Rule 32(c). There is nothing in this record to suggest that his not having a photocopy of that report hampered his ability to present any evidence or arguments to the trial court prior to sentencing.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:


Justice

Nov. 1, 04

Prothonotary:

Please enter the
enclosed 48 b on
my docket.

Thank you,

Charles F. Cardone

SBI 098159

FILED
PROTHONOTARY
SUSSEX COUNTY

2004 NOV -5 AM 8:48

d

IN THE Superior COURT OF THE STATE OF DELAWARE
IN AND FOR Sussex COUNTY

CHARLES F. CARDONE

V.

Del. Super. Ct

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*
*
*
*
*

Case: 0409005091

MOTION FOR Dismissal of Charges

COMES NOW, the Movant, Charles F. Cardone, pro se who
pursuant to Super. Ct. Criminal Rule 48b, moves this
Honorable Court to grant this motion. In support, the following facts are asserted;

- 1) "Evidence obtained as a result of illegal arrest" - Jones V. State, Del. Supr.,
745 A.2d 856 (1999)
- 2) One inch (1") tool gadget is not a
deadly weapon - Johnson V. State, Del.
Supr., 797 A.2d 1206 (2002)
- * Therefore, the State has insufficient evidence
to bring me before a jury of my peers.

*Check, I need you to
do this for me.*



OFFICE OF THE PROTHONOTARY
STATE OF DELAWARE
THE SUPERIOR COURT OF SUSSEX COUNTY

Charles Cardone
SCI-SBI #098159
PO Box 506
Georgetown, DE
19947
ASDA 1

PROTHONOTARY

JURY (302) 856-5740
CRIMINAL 856-5741
CIVIL 856-5742
ACCOUNTING 856-5744

TO: *Charles Cardone*
FROM: Criminal Division *PPPP*

*(See reverse for
response)*

*5 copies
Front & Back*

DATE: 11-19-04

RE: Unacceptable Filings

- =====
- ___1. Enclosed please find the documents/information requested.
 - ___2. Transcripts for hearings should be requested from: Superior Court Reporters, P. O. Box 746, Georgetown, DE 19947.
 - ___3. Our records indicate you are represented by _____, Esq. Please send correspondence to your attorney.
 - ___4. This office is not able to perform a criminal record search. All requests should be forwarded to Department of Public Safety, Division of State Police, P. O. Box 430, Dover, DE 19901.
 - ___5. Your document should be filed with the Prothonotary of Kent County, Court House, 38 The Green, Dover, DE 19901.
 - ___6. Your document should be filed with the Prothonotary of New Castle County, Daniel L. Herrmann Courthouse, 1020 King Street, Wilmington, DE 19801.
 - ___7. This document is being returned because our records do not indicate a case being filed in Superior Court.
 - ___8. If you wish to withdraw as a bondsperson, you must file a motion to withdraw. A copy of the motion must be filed with the Attorney General and the original must have a notation that it has been served on the Attorney General. The original motion must be noticed for a motion day. Motions days are every Fridays at 11:00 a.m. The defendant must be in court at the time the motion is to be heard.
- ↓ ↓ ↓

Rejection Notice
Page 2

- _9. No requests or responses to discovery under Rule 16 may be accepted by this office. Please file them with opposing counsel and simply file a Notice of Service with this office.
- _10. Notice of Service must be signed by counsel of record and have an original signature.
- _11. Please file the appropriate number of documents for each defendant.
- _12. There is a \$.30 per page copy fee for all documents. Please resubmit your request with check or money order for _____. Checks should be made payable to "Prothonotary".
- _13. Please contact the attorney of record for discovery materials.
- _14. Please resubmit this document with the appropriate case I.D. number and the correct Criminal Action Numbers.
- _15. Certified copies are \$6.00 for the first three (3) pages and \$1.00 for each additional page thereafter. Please submit a check or money order in the amount of _____.
- X16. Your motion must be noticed for a date certain. Motions are heard every Friday at 11:00 a.m. Also, our records indicate that

~~you are represented by the Public Defenders office. Your motion must be filed by your attorney of record.~~

I do not know what this garbage is all about... I sent you, ~~and the~~ (served you) with the Motion to Dismiss, as well as the DAG's office, with a timely and dated certificate of service. Again, docket the enclosed Motion to Dismiss and having done so, send me my docket entry like a good little prothonotary.

Charles Cardone

Prothonotary

IN THE Superior COURT OF THE STATE OF DELAWARE
IN AND FOR Sussex COUNTY

10 copies

CHARLES F. CARDONE

V.

Del. Super. Ct.

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Case: 0409005091

MOTION FOR Dismissal of Charges

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- 2) One inch (1") tool gadget is not a deadly weapon - Johnson v. State, Del. Supr., 797 A.2d 1206 (2002)
- * Therefore, the State has insufficient evidence to bring me before a jury of my peers.

Nov 10, 04

A

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
Judge

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DELAWARE 19947
TELEPHONE (302) 856-5264

November 10, 2004

Charles Cardone
SBI: 00098159, Bldg. PT
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

Re: *State of Delaware v. Charles Cardone*
ID #0201021864

Dear Mr. Cardone:

You were scheduled for a violation of probation hearing on the above case number on September 16, 2004. At that time, the Public Defender, James Nutter, Esquire, requested that the hearing be continued until your new charges in ID #0409005091 were disposed of.

Case Review on your new charges is scheduled for November 15, 2004. When those new charges are disposed of, then your violation of probation hearing will be rescheduled.

Very truly yours,



Richard F. Stokes

- ① Gibbs v. State, 760 A.2d 541 (Del 2000)
- ② Sparks v. State, 755 A.2d, 390 (Del 2000)
- ③ Add LT. G. R. Johnson to the 1983 list, the following day
I told GR about Drugesh's beating of me w/ c/o Hazel watching.
- ④ Davis v. State, 803 A.2d 427 (Del. 2002)
Rules to read - Supreme - 25, 32.1, 33, 34, 35, 62, 64, 9, 8,

DEC. 15, 04

Law Office of Edward C. Gill, P.A.

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

December 15, 2004

Charles F. Cardone
Rt. 6, Box 72A
Millsboro, Delaware 19966

Re: State v. Charles F. Cardone
ID#: 0409005091

Dear Mr. Cardone:

Please be advised that I have been assigned to represent you in the Sussex County Superior Court with regard to the above captioned case. Upon receipt of this letter, please contact my office to schedule an appointment. You may contact my assistant, Sharon, who will schedule an appointment to meet with me as soon as possible.

I enclose herewith a copy of a Request for Discovery and a copy of a Request for Brady Material which have been filed in Superior Court

I look forward to meeting with you to further discuss your case. Thank you for your time and attention to this matter.

Sincerely,


MICHAEL R. ABRAM

MRA/slw
Enclosures

** We met twice before my trial
for a grand total of 20 minutes*

** It is now November 6, 2005... We have spoken a total of 20 minutes,
face to face.*

3 copies
10-13-05

DEC 16 04
Pg 1 of 7

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

:

v.

: C.A. NO.: 0409005091

CHARLES F. CARDONE

:

REQUEST FOR DISCOVERY
PURSUANT TO CRIMINAL RULE 16

NOW COMES the Defendant, by and through his attorney and pursuant to Criminal Rule 16 requests the Attorney General to permit Defendant or someone acting on his behalf to inspect and copy or photograph the following:

1. Any relevant written or recorded statements made by the Defendant or a co-defendant (whether or not charged as a principal, accomplice or accessory in the same or in a separate proceeding), or copies thereof, within the possession, custody, or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the Attorney General; that portion of any written record containing the substance of any relevant oral statement made by the Defendant whether before or after arrest in response to interrogation by any person then known to the Defendant to be a state agent; and recorded testimony of the Defendant before a grand jury which relates to the offense charged. Furthermore, the substance of any other relevant oral statement made by the Defendant whether before or after arrest in response to interrogation by any person then known by the Defendant to be a state agent if the State intends to use that statement at trial.

* 2. The Defendant's prior criminal record. *

3 copies

Request for Discovery

Pg 287

10-13-05

3. Books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody, or control of the State, and which are material to the preparation of the Defendant's defense or are intended for use by the State as evidence in chief at the trial or were obtained from or belonged to the Defendant. *Surveillance tapes brought up at Pre-lim by Whitman*

only help
for observation -
Never committed

4. Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the State, and which are material to the preparation of the defense or are intended for use by the State as evidence in chief at the trial.

Look
up

5. Any evidence which the State may present at trial under Rule 702, 703, or 705 of the Delaware Uniform Rules of Evidence.

6. Please take notice that the defense may attempt to prove that the Defendant consumed a sufficient quantity of alcohol after the time of actual driving and before any sampling to cause a person's alcohol concentration to exceed .10, pursuant to 21 Del. Code §4177 (b)(2).

7. The Defendant hereby demands the presence of forensic toxicologist, forensic chemist, state police forensic analytic co-chemist, and any person in the chain of custody as a witness in this proceeding.

8. If the items which are requested are not produced in the State's Response to Discovery and the State is taking the position that the Defendant must request a reasonable time and place or give further notice to the State of the request for discovery please take notice that the Defendant hereby specifies that all items requested must be produced at the Law Office of Edward C. Gill, P.A., 16 N. Bedford Street, P.O. Box 824,

Pg 1 of 7

Georgetown, DE, on the second Tuesday following the date of this discovery request at 4:00 p.m.

LAW OFFICE OF
EDWARD C. GILL, P.A.



Michael R. Abram, Esquire
Attorney for Defendant
16 N. Bedford Street
P.O. Box 824
Georgetown, DE 19947
(302)854-5400

DATED: 12/16/04

			15	16	17	18	
19	20	21	22	23	24	25	XMAS
26	27	28	29	30	31	1	

S M T W T F S

ALL items requested in this
discovery to be produced by
Dec. 28

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

v.

CHARLES F. CARDONE

:

: C.A. NO.: 0409005091

:

REQUEST FOR BRADY MATERIAL

NOW COMES the Defendant, by and through his attorney, and hereby requests that the State produce all "Brady" material specifically including but not limited to the following:

1. Any and all records and information revealing prior felony convictions or guilty verdicts or juvenile adjudications attributed to each witness called by the State including but not limited to relevant "rap sheets".

2. Any and all records and information revealing prior misconduct or bad acts attributed to the witness, to specifically include but not limited to any arrests, police "contact" reports, whether such acts are incidents of moral turpitude or not.

3. Any and all consideration or promises or consideration given to or on behalf of the witness or expected or hoped for by the witness. By "consideration" Defendant refers to absolutely anything, whether bargained for or not, which arguably could be of value or use to a witness

3 Copies
10-13-05

DE 16, 04
Pg 1 of 6

Not done for Clerk at FH
or
Royal Farms Store
Manager

Not
supplied
by State
in Clerk at FH
or
Store manager at
Royal Farms

Pg 2 of 6

or to persons of concern to the witness, including but not limited to formal or informal, direct or indirect: leniency, favorable treatment or recommendations or other assistance with respect to any pending or potential criminal parole, probation pardon, clemency, civil, administrative, or other dispute with any other authority or with any other parties; criminal, civil or tax immunity grants; relief from forfeiture; payments of money, rewards or fees, witness fees and special witness fees, provision of food, clothing, shelter, transportation, legal services or other benefits; placement in a "witness protection program", informant status of the witness; and anything else which arguably could reveal an interest, motive or bias in the witness in favor of the State or against the defense or act as an inducement to testify or to color testimony.

4. Any and all threats, express or implied, direct or indirect, or other coercion made or directed against the witness, criminal prosecutions, investigations, or potential prosecutions pending or which could be brought against the witness, any probationary, parole, deferred prosecution or custodial status of the witness, and any civil, administrative, or other pending or potential legal disputes or transactions with the State or over which the State has real, apparent or perceived influence. —

State threatened mom + Aggie because they did not wish to testify. Melonie Withers did the threats along w/ Calloway back in 2002

5. The existence and identification of each occasion on which the witness has testified before any court, grand jury, or other tribunal or body

or otherwise officially narrated in relation to the Defendants, the investigation, or the facts of this case.

6. The existence and identification of each occasion on which each witness who was or in an informer, accomplice, co-conspirator, or expert has testified before any court, grand jury, or other tribunal or body. As to each occasion and witness, name the existence and identification of all statements, notes, tape recordings or other means of memorializing the substance of such witnesses' statements.

7. Any and all other records and/or informations which arguably could be helpful or useful to the defense in impeaching or otherwise detracting from the probative force of the State's evidence or which arguably could lead to such records or information.

See
State's
response

8. The same records and information requested in items 1 through 7 above with respect to each non-witness declarant whose statements are offered in evidence.

9. Any information tending to show that other persons, excluding the accused, were involved in the crime.

10. Any information that tends to show that the accused had consumed alcohol and/or drugs prior to the commission of the offense.

11. Any information that any of the State's witnesses had consumed alcohol and/or drugs prior to witnessing the events that gave rise to their respective testimony.

Prior
commission
H. Drugs

12. Any statements of witnesses which conflict either internally or with another statement of the same witness.

13. Any polygraph tests taken and not passed which raise some doubt as to any State's witness or credibility.

14. Any psychiatric, psychological, or mental evaluations taken by a State's witness or any evidence of psychiatric, psychological or mental treatment of any State's witnesses.

15. Any hypnosis given to any State's witness to assist that witness' memory for investigative or trial preparation purposes.

16. Any internal documents or other evidence of any law enforcement official's misfeasance, malfeasance or negligence whether by acts of omission or commission, in the performances of his/her duties, concerning this specific case. *Abram did not bring this up*

Illegal arrest → 17. Any training guides, manuals or other similar materials which give information relative to an investigation or arrest which were not used in this particular arrest or investigation. *Punching me in the head is not SOP.*

18. In the case of any scientific evidence, textbooks, data, manuals, guides or other similar materials which suggest alternative methods to the one used. *Where in manual is punching me in the head part of Whitman's arrest procedure?*


19. Any evidence of the periodic destruction of any evidence such as a police department retention policy.

Pg 6 of 6

CERTIFICATE OF DELIVERY

THIS IS TO CERTIFY that I caused to be delivered this Request for Brady Material, on this 16 day of December, 2004 to the Department of Justice, 114 East Market Street, Georgetown, DE 19947.

LAW OFFICE OF
EDWARD C. GILL, P.A.



Michael R. Abram, Esquire
Attorney for Defendant
16 N. Bedford Street
P.O. Box 824
Georgetown, DE 19947

*Law Office of Edward C. Gill, P.A.*16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAMPHONE: 302-854-5400
FAX: 302-854-5409

December 20, 2004

Charles F. Cardone
Rt. 6, Box 72A
Millsboro, Delaware 19966*6 copies cfe
10-9-05 (cc)**K**2 copies
K*Re: State v. Charles F. Cardone
ID#: 0409005091

Dear Mr. Cardone:

I am in receipt of your numerous letters that were recently sent by you. I will attempt to answer all of your concerns.

First on the letter that you wrote on the back of Steve Callaway's letter to me concerning you, I have received a copy of discovery from Mr. Callaway. I will forward it on to you, if you feel that there are items missing in it, please inform me specifically what you would like me to request. I am currently making arrangements to send over a few blank CD's to get a copy of the store's surveillance tape. When I receive it I will attempt to figure out how we may view the tape together at SCI. - *NEVER DID. Saw tape at last CR, 3 court calendar days before trial. no defense strategy*

In response to your letter dated December 11, 2004, I am confused as to what you are suggesting regarding the law library at SCI. I do not know Diane Plummer and as such I have zero input as to who may or may not enter the law library. As for not needing enemies with friends like me, again, I do not understand what you are talking about.

In regards to any § 1983 civil rights claim you wish to file, I am contractually not permitted by the State of Delaware to represent you for any other matter then the case I have been appointed to. If you wish to pursue this matter further you must retain an attorney that is not affiliated with the law firm I am associated with.

At this point I have not filed any Motions on your behalf, because I have not had a chance to speak to you after I fully reviewed the file. As you should recall when I spoke to you at Superior Court I was just informed that morning that I was appointed to your case. As such I have just recently received discovery in your case and I have not had the opportunity to discuss with you which motions are appropriate to file.

Mr. Charles Cardone
December 20, 2004
Page 2

6 copies c/c
10-9-05 (H)

Pg 2 of 2
2 copies
H

With regard to your claims about previous issues with Steven Callaway and Melanie Withers, while the background may be helpful in determining the proper course to take in your case, I want to reiterate to you that I do not represent you in accordance with any action regarding your past conviction.

It does appear from what you have represented to me that a bond review motion may result in the lowering of your bond. I am not, however, positive about what your exact bond is at this point. I will obtain a copy of the Pre-trial services report and file the appropriate motion with the court in an attempt to have your bond lowered if it appears it is too high.

I have also received your letter dated December 13, 2004. In response to your question as to how I became your attorney, the Court appointed me. Apparently Mr. Callaway did not believe that he could continue to represent you and asked the Court to be relieved of representation of you. The Court deemed that it would be best that the public defender's office not represent you, so he appointed the conflict attorney's to represent you. I am a conflict attorney and you were assigned to me. A conflict attorney is a private attorney that has a contract with the State to be appointed as counsel for clients who cannot be represented by the Public Defender's office.

Regarding any claims that you would like to make in Federal Court and any appeals, as I mentioned previously, I am not permitted to represent you for any other matter outside of the pending criminal action.

If you have any other questions, please do not hesitate to contact me.

Sincerely,


Michael Abram

MRA/slw

I have filed a 1983 in District Court naming Callaway, Withers, Lawa Ryan, et. al. for repeatedly violating my Federal Constitutional rights in the past and present, of my rights under Due Process...

DEC 03 04
Pg 3067

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE	:	CR. A. #S04-09-0291 thru 0293, 0295,
	:	0296 and S04-09-0741
v.	:	
	:	
CHARLES F. CARDONE	:	ID#0409005091

STATE'S RESPONSE TO THE DEFENDANT'S REQUEST FOR DISCOVERY

Pursuant to Superior Court Criminal Rule 16, the following information concerning the above captioned case is being supplied.

1. See attached police report for the substance of any statements by your client.
2. Enclosed is a copy of Defendant's known criminal history information as same is maintained in the Attorney General's Office Case Tracking System. Although this is the single best source of such data available within the State, I caution you that such information is occasionally incomplete or inaccurate. Therefore, I suggest that you discuss this matter with your client who should be in a position to correct erroneous data and to complete the information and record as needed. Further, I am available to discuss any discrepancies with you prior to trial. If certified records are necessary at trial they will be available then.
3. See attached. The State is in possession of three CDs, two of which contain 911 and dispatch information, and one which contains store surveillance footage of this incident. Please send three blank CDs for copying, or you may review these items by appointment. These and other items will be available for your inspection by appointment, and will be available for your inspection at trial.

Pg 4 of 7

4. None known.
5. None.
6. Not applicable.
7. Not applicable.
8. No response required.

BRADY

1. See attached SBI criminal records and NCIC records of Letez Hudson and Wayne Abbott.

2. None known.
3. None. — *Witnesses were not supplied pursuant to informant status.*
4. None.
5. None.
6. Not applicable. — *no info supplied for any witnesses but Hudson + Abbott.*
7. None. — *Witnesses names were not supplied*
8. None.
9. None.
10. See attached police report, which indicates that defendant appeared to be intoxicated.
11. None.
12. None.
13. None.
14. None.

Pg 5 of 7

15. None.

16. None.

17. Objected to. *why? Nobody told me I was under arrest.*

18. Not applicable. - *why?*

19. Objected to. *why?*

20. None.

21. None.

22. None.

23. None. - *Tara Boyer admitted on the stand she did not see me write.*

STATE'S RECIPROCAL DISCOVERY REQUEST:

Pursuant to Superior Court Criminal Rule 16(b), please provide me with the following:

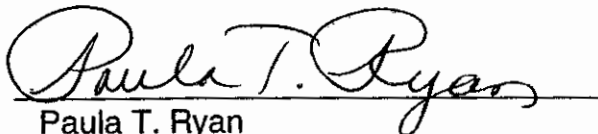
1. An opportunity to inspect and copy or photograph any books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial.
2. An opportunity to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to that witness' testimony.
3. Disclosure of any evidence the defendant may present at trial under Rules 702, 703 or 705 of the Delaware Uniform Rules of Evidence, including the identity of the witness and the substance of the opinions to be expressed.

Please be advised that your failure to respond will be presumed to mean that you have no materials discoverable under Rule 16(b) and that the State will rely upon that presumption.

Pg 6 of 7

Please call me if this response does not satisfy your request or to discuss a plea.

DATED: December 23, 2004


Paula T. Ryan
Deputy Attorney General

Law Office of Edward C. Gill, P.A.

No

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

January 3, 2005

6
2 copies

Paula T. Ryan, Esquire
Department of Justice
114 East Market Street
Georgetown, Delaware 19947

Re: State v. Charles F. Cardone
ID#: 0409005091

Dear Paula:

*Mike DID NOT
raise during
trial*

My client has raised a very serious issue about his arrest which occurred at the 7-11 in Rehoboth. He believes he was unjustly physically harmed. Please advise as to whether you have obtained any copies of videotapes from the 7-11, or if I will need to subpoena such evidence. Also please advise as to when I will receive a copy of the surveillance CD from Royal Farms.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,


MICHAEL R. ABRAM

*Why is there
only a copy of
Royal Farms + no
copy of my
arrest at 7-11?*

MRA/slw

cc: Charles Cardone

Law Office of Edward C. Gill, P.A.

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

January 3, 2005

Charles Cardone
SCI
P. O. Box 500
Georgetown, Delaware 19947

Re: Response to your letters

Dear Mr. Cardone:

I have received your voluminous correspondence in the last week and I will do my best to reply to your questions. First, with regard to any representation outside of the case I have been assigned to you, specifically any civil suits against police and municipalities, I am not permitted to represent you on those matters. As a court appointed attorney, I am prohibited by law to represent you in any outside matter. Please feel free to contact outside counsel for representation in any other civil matter.

In response to your request for case law, I am not currently able to fulfill your request at this time. I would recommend that you contact another prisoner with access to the law library and ask them to obtain copies of any case law you require. I assure you that I will do any and all legal research that is necessary to prepare for your trial.

Regarding the law library at SCI, I am not in control of the law library and therefore cannot force access for you to it. I do not know Diane Plummer as I informed you when I first met you, yet I did inquire as to why you are repeatedly being placed restricted in your access to the law library and being placed in seclusion. I have been informed that your inappropriate behavior is why you have been denied access, and that SCI may take away privileges in response to that behavior. I cannot force SCI to change its policy.

I have reviewed the motion to dismiss that you drafted and I researched the case you cited which stated that a 1" gadget is not a deadly weapon and I see nothing in that case which supports your assertion. In fact under DE ST TI 11 § 222(5), a knife of any sort (other than an ordinary pocketknife carried in a closed position) is considered a

No

H 2 copies

H (1) 2 copies
No

Charles Cardone
January 3, 2005
Page 2

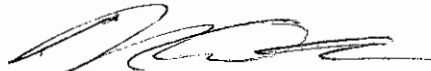
Manager said it was closed...

deadly weapon. Since the evidence in your case suggests that your knife was open, a motion to dismiss is premature.

In response to your letter about collect phone calls from SCI. Our office does not accept collect phone calls from SCI. Unfortunately, we can only communicate via correspondence.

I hope I have answered all of your questions in the correspondence that you have sent me.

Sincerely,



Michael R. Abram, Esquire

MRA/slw

←

During the trial, all the witnesses, other than Whitman, said the knife was closed... if it was closed, Abram should have put in a motion to dismiss

Office of Disciplinary Counsel

SUPREME COURT OF THE STATE OF DELAWARE

Pg 1 of 2

Carvel State Office Building
820 North French Street, 11th Floor
Wilmington, Delaware 19801
(302) 577-7042
(302) 577-7048 (Fax)

ANDREA L. ROCANELLI
Chief Counsel

MICHAEL S. MCGINNISS
MARY SUSAN MUCH
PATRICIA BARTLEY SCHWARTZ
Disciplinary Counsel

4

January 5, 2005

CONFIDENTIAL

Mr. Charles F. Cardone (#098159)
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

6 copies - cfc
10-9-05 (aa)

Re: Disciplinary Complaint

Dear Mr. Cardone:

We received your letter, dated December 24, 2004, requesting forms to file a complaint against your public defender and the deputy attorney general prosecuting your criminal matter. Please complete and return the enclosed complaint forms, providing the specific details of your complaint.

For your general information, please be advised that this Office is not a court of law. Rather, this Office evaluates and investigates complaints that allege violations of the Delaware Lawyers' Rules of Professional Conduct. We have no authority to vacate a conviction, reduce a sentence, appoint counsel to represent a defendant or grant any other type of substantive relief. this Office cannot offer you legal advice, nor can we intervene in a criminal proceeding for any reason. We cannot take any action on your behalf in your criminal matter.

Please also be aware that this Office does not adjudicate a criminal defendant's claims of ineffective assistance of counsel or prosecutorial misconduct. Where a complaint filed with this Office relates to such allegations, it is usual for this Office to send the complaint to the criminal

6 copies - *cf*
10-9-05 (b)
TR

Pg 2 of 2

Mr. Charles F. Cardone
January 5, 2005
Page Two

CONFIDENTIAL

defense attorney or the prosecuting attorney, as well as that attorney's supervisor, for appropriate action. This Office does not conduct a disciplinary evaluation or investigation for such complaints because this Office has no jurisdiction to affect a criminal matter. Pretrial and postconviction remedies are available to the criminal defendant for that purpose.

Furthermore, this Office has no jurisdiction over members of the judiciary. Complaints against judges should be directed to the agency listed below:

Margaret L. Naylor, Esquire
Court on the Judiciary
Supreme Court of Delaware
P.O. Box 369
Georgetown, DE 19947

Sincerely,

Margot R. Millar

Margot R. Millar
Office Administrator

/mrm
Enclosure

M. JANE BRADY
ATTORNEY GENERAL



STATE OF DELAWARE
DEPARTMENT OF JUSTICE

NEW CASTLE COUNTY
Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
Fax: (302) 577-2496
Civil Division (302) 577-8400
Fax: (302) 577-6630
TTY: (302) 577-5783

KENT COUNTY
102 West Water Street
Dover, DE 19901
Criminal Division (302) 739-4211
Fax: (302) 739-6727
Civil Division (302) 739-7641
Fax: (302) 739-7652
TTY: (302) 739-1545

SUSSEX COUNTY
114 E. Market Street
Georgetown, DE 19947
(302) 856-5352
Fax: (302) 856-5369
TTY: (302) 856-4698

January 5, 2005

PLEASE REPLY TO: SUSSEX COUNTY OFFICE

Michael R. Abram, Esquire
Law Office of Edward C. Gill, P.A.
16 North Bedford Street
P. O. Box 824
Georgetown, DE 19947

Re: State v. Charles F. Cardone, I.D. No. 0409005091
Cr.A. Nos. S04-09-0291 thru 0293, 0295, 0296 and 0741

Dear Mike:

Pursuant to your letter of December 21, 2004 and as a supplement to the Discovery Response, enclosed please find two CDs containing the 911 calls to Rehoboth Beach Police Department on September 6 and September 7, 2004. Pursuant to rules 803(6) and 902(11) of the Delaware Rules of Evidence, as amended January 2002, please be advised that the State will seek to introduce certain certified records from Rehoboth Beach (911 CD) at trial in the above-reference case, without the testimony of a custodian or other qualified witness

Additionally, the State is in possession of the September 7, 2004 surveillance video from Royal Farms. Please provide me with another CD and I will copy that for your review.

Very truly yours,

Paula T. Ryan

Paula T. Ryan
Deputy Attorney General

PTR:jlh
Enclosures
pc: Prothonotary

*Look up - Rules 803(6) + 902(11) Del
Rules of Evidence, amended Jan 2002*

*I was not
given the
opportunity
to listen to these
tapes after I
repeatedly
asked MR
Abram
cfe*

*6 Copies - cfe
10-9-05
Pg 1 of 1*

FEB 16, 05
~~C-2 copies~~
Pg 1 of 1

COURT ON THE JUDICIARY OF THE STATE OF DELAWARE

MARGARET L. NAYLOR
Clerk

SUPREME COURT
34 THE CIRCLE
P.O. BOX 369
GEORGETOWN, DE 19947

February 16, 2005

Mr. Charles Cardone
SBI # 098159
Bldg. PT
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

6 copies
10-12-05

CONFIDENTIAL

Re: *State v. Cardone*,
Def. ID No. 0409005091

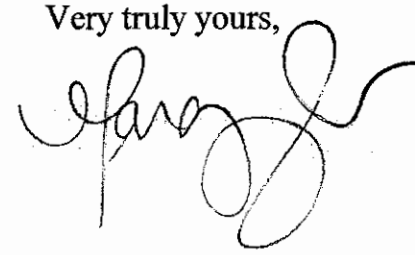
Dear Mr. Cardone:

I am in receipt of your complaint dated January 23, 2005, against Superior Court Judge T. Henley Graves. Your complaint is not notarized. For this reason, I am returning your complaint.

The Court on the Judiciary receives complaints alleging judicial misconduct or disability that are filed against Delaware judges and commissioners. A complaint that is filed with the Court (i) must bear the complainant's original signature; (ii) set forth the complainant's address; (iii) name the judicial officer involved; (iv) allege with particularity the nature of the alleged misconduct or disability; and (v) **be executed by oath or affirmation** under penalty of perjury before a notary public. The Court does not consider a matter that is (i) frivolous, (ii) lacking in good faith, (iii) based upon a litigant's disagreement with the ruling of a judicial officer, or (iv) is properly a matter subject to appellate review. Ct. Jud. R. 5 (copy enclosed).

The Court on the Judiciary does not consider matters that are appropriate for appellate review. The Delaware Supreme Court has jurisdiction to receive appeals in criminal cases from the Superior Court. The appeal must be filed within thirty days of sentencing.

Very truly yours,



Enclosure(s)

Law Office of Edward C. Gill, P.A.

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

March 1, 2005

Charles Cardone
SCI
P. O. Box 500
Georgetown, Delaware 19947

2 copies

Re: State of Delaware v. Charles Cardone

Dear Mr. Cardone:

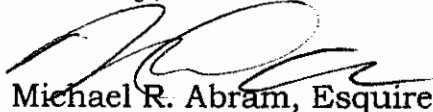
I have reviewed your correspondence dated February 22, 2005. Ms. Ryan has informed me that she is not in possession of any videotape which shows your arrest. I have also inquired at the 7-11 in question personally to ask if they have the tape and they informed me that they do not have a tape. I will however issue a formal subpoena to insure that if a tape exists, we get a copy of it.

← Bullshit where is it?

I do believe however that you are overstating the significance of the arrest when it comes to your pending charges. While you are correct that any information that was unlawfully obtained from you should be suppressed by the court, it does not necessitate a full dismissal of the pending charges. The State can still proceed on the videotape from the Royal Farms as well as the testimony of the clerk at that store.

Congratulations on becoming a grandfather. Hopefully we can get you out soon to see your granddaughter.

Sincerely,


Michael R. Abram, Esquire

MRA/slw

Copy! (2)

-1-

Mar. 2, 2005
3-PM - ~~Tuesday~~
Wednesday

TO: Michael R. Abram, Esq.

RE: State v. Cardone - ID# 0409005091

Sir:

I have just now signed for your enclosed letter. I will send this letter along with your letter to my people who will then make copies to send you via certified with return receipt requested, so I may have proof of record I have requested of you to do the following to support my assertion and insistence that charges in the above numbered case be dismissed (not nolle prosequi), but dismissed on grounds I was severely beaten and illegally arrested by PFC Robert T. Whitman, Rehoboth Beach Police Dept. et al. In your enclosed letter you again tell me 7-11 and Mrs Ryan are not in possession of any video-tape which shows my arrest. I will now, for the fourth time request you to subpoena the clerk on duty at the 7-11 in Rehoboth Beach, who was present at the time of my illegal arrest at the time by Whitman. You stated to me at our Mar. 1, 2005 meeting at S.C.I. and now, according to your enclosed letter, ^{PE} I am overstating the

(2 copies)

-2-

Mar. 2, 2005
3 PM. ~~Friday~~
Wednesday2nd page of letter to
Michael Abram in re

State v. Carlone - ID# 0409005091

significance of the arrest when it comes to your (my) pending charges." If, as you say, information should be suppressed by the court, then yes, it does necessitate a full dismissal of the pending charges.

I can not force you to effectively represent me in this case ... therefore, if I get convicted without the supporting testimony of the 7-11 clerk, perhaps that refusal to at least speak with the above clerk may be used as one basis for appeal.

Thank you for the congratulations on becoming a grandfather hopefully, we can get me out soon to see her without looking over my shoulder to see probation clowns trying to figure out ways to violate me.

Sincerely,

Charles F. Carlone

TO: Ed GILL

March 27, 05

Michael Abram 2-copy (1) E

RE: the day after ^{Front + Back} my Kangaroo
Court jury trial... ID# 0409005091

(11)

Sirs:

I am not a happy camper.
My court calendar allotted, 2 day
trial was a gross miscarriage of
justice made even worse by the
appearance of inexperience and inef-
fectiveness on the part of Mr. Abram.
Every one of the state's witnesses were
actually tripping and falling over -
themselves as to their recollections of
the incidences which led to the sub-
sequent illegal arrest of me by the
Rehoboth Beach Keystone ~~Epy~~ Cops.
Not only did the state's witnesses

(Con't on pg 3)

Con't →

E-(2)
Copies
2

March 29, 2005

Page 3 of Charles Cardone's
complaint to Ed Giel re Michael Abram's
assumed ineptitude - ID# 0409005091

(11)

Allow me to 'next' further: I have contacted
Margaret Naylor re T. Henley's mal-
feasance while wearing 'the robe' only to
be stonewalled temporarily.

As an after thought, I am now wondering
if Mr. Abram pre-judged me, therefore,
violating his professional responsibility to represent
me, vigorously, re my above thought?

E-(2) 2 copies

4 copies
10-13-05

Pg 1 of 1

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

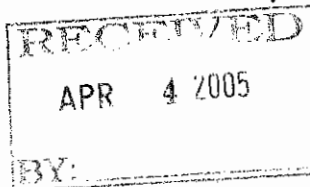
THE STATE OF DELAWARE)

VS.)

NOTICE OF NOLLE PROSEQUI

CHARLES F CARDONE)

01/13/1949



AG Case Number - SC04001878

A Nolle Prosequi is hereby entered on the charge of:

0409005091 003

IS04090293 * PDWBPP

*this PDWBPP is nolle pros AG**and*FILED
PROTHONOTARY
SUSSEX COUNTY

2005 APR -1 PM 1:49

against the above named defendant and the Prothonotary is requested to note the same on record.

REASON: (83) NOLLE PROS AG

DATED March 31, 2005

PAULA T RYAN
Deputy Attorney General

IN THE COURT ON THE JUDICIARY
OF THE STATE OF DELAWARE6 copies
10-9-05

Pg 1 of 1

IN RE:

THE HONORABLE T. HENLEY
GRAVES,

a Judicial Officer.

§
§
§
§
§
§

CONFIDENTIAL

C.J. No. 6, 2005

2005:

1. April 6. Notarized complaint dated 4/01/05 by Charles Cardone (docket sheet sent to complainant on 4/6/05).

The Delaware Judges' Code of Judicial Conduct

Canons 1-7 : * Canon 1 : the Code may also provide standards of conduct for application in proceedings pursuant to Article IV, Section 37 of the Delaware Constitution I feel Graves violated Canons 1, 2, and 3 when I notified him in a Dec. 3, 2004 hearing re a Motion to Withdraw heard by Graves, that 3 Sussex Correctional Officers, led by Jonathan Baker, and witnessed by C/Os Floyd and Chaffinch. I, also, have a witness who saw Baker try to kill me His name is Jeffery KRAHN, an inmate who happened to be with me in the latter part of Nov. 2004, in ~~the~~ ASDA in the MSB part of SCI ----!

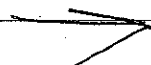
TO: T. HENLEY

April 12, 05 P318

FILED PROthon
SUSSEX COUNTY
2005 APR 13 PM 12:24

Sir:

Here it is, the 12 of April.... on March 28th I was found innocent on certain charges, guilty on certain charges, severance of certain charges and nolle prosequi on certain charges. My statement to you, raison d'être of this letter, is "CMA" - covering my ass. I wish to appeal the jury from Mars' guilty verdicts per Rule 26 of the Supreme Court of the State of Delaware. I also wish to have 10 grand-children to make up a football squad. Which will I see first? the squad or Michael Abram, Esq., my attorney of record? According to the Return Receipt Requested in my possession, I am, as of this date, approx. 15 days later, quite concerned to Mr. Abram's refusal to



get back to me. He exited that courtroom

Pg 48

like a scalded dog, that day of trial, and I'm wondering if he fell off the face of the earth, or perhaps, he just doesn't want to show his face?

Hizgonner set me up with Mr. Greenjeans,

would Hizgonner wish to appoint another

to represent me for my appeal? Well, its been

nice, let's do it again, sometime.... right now,

I need to find a quarter for the pay toilet. If

you'll excuse me?

Charles F. Cardone
SCI - revoking

my bail was another one of your brainstorm,

Thank you. You weren't much of a mouthpiece

when you were with Jim Fugus, its been down-

hill, ever since. Let's keep in touch.

Law Office of Edward C. Gill, P.A.

Pg 1 of 1

16 N. BEDFORD STREET
P.O. BOX 824

GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

April 13, 2005

Charles Cardone
SCI
P. O. Box 500
Georgetown, Delaware 19947

*6 copies
10-12-05*

Re: Your Letter Dated April 7, 2005

Dear Mr. Cardone:

I have reviewed the letter dated April 7, 2005 and this is my response to the issues raised in that letter. First, you inquire as to why the State has issued a Nolle Prosequi on your remaining charge instead of a severance. It is my understanding that the Court did in fact sever the charge. After the trial, the State decided to Nolle Pros the other charge remaining against you. The State does not need your permission to Nolle Pros this charge. It is my belief that the State decided the conviction for aggravated menacing was sufficient and has decided that it does not need to pursue any other charges.

Regarding your request for an appeal to the Supreme Court, as I informed you at SCI, we cannot appeal the verdict until you have been sentenced in this case. After the sentencing has taken place, we can file a Notice of Appeal.

u are not trustworthy (Abram)

I do not understand your request for a recording instrument at personal meetings. If there is anything that you decide must be reiterated after a meeting please use correspondence, this is the easiest way to keep track of key issues.

As to your status as a level II probationer at the time of your arrest, we can inform the Court of this mistake at sentencing.

*No, IT NEEDS
addressing
now, before
sentencing
hearing*

If you have any additional questions or concerns, please do not hesitate to contact me. Thank you for your time and attention to this matter.

^ Gimme a break ^

Sincerely,

[Signature]
Michael R. Abram, Esquire

MRA/slw

Def ID # 0201021864

April 13, 2005

3

(Copy) + sent
to Mike Abram
on 4-13-05

Dear Mr. Abram:

As per Offender Status Sheet dated 9-8-04, I was then, as now, on Level II probation, not Level III as Judge Goff stipulates in your copy of Mr. Hoff's notification letter to me dated April 7, 2005. One week prior to 9-08-04, at my weekly visit to my Level III probation officer, Matthew Gladding, Mr. Gladding advised me I had, at that time, been flowed down to Level II probation (once a month) and that Pat Foy would be my Level II probation officer. Also, I have in my records, a letter from Judge Stokes to me, dated Nov. 10, 2004, stating that on Sept 16, 2004, James Nutter, Esq. made his appearance on my behalf requesting Judge Stokes for a continuance of my VOP hearing of 9-16-04 "until your (my) new charges in ID # 0409005091 were disposed of." In Stoke's letter to me 11-10-04 it is CC to Prothonotary but is not docketed as per that CC. Please advise. The point is: probationer's on Level II probation shall not be sentenced for picking up new charges until those new charges are adjudicated... a VOP bail/bond be set, but sentencing only after adjudication... My (our) VOP hearing is scheduled at May 13, 2005, at 11 am at Groves' time of sentencing under Case No. 0409005091, which at that time we shall enter a notice of appeal per Rule 26 of Del Supreme Court, therefore a request by us to continue that VOP sentencing hearing until appeals (ours) are exhausted must be entered and/or stipulated.

It is, at this date, approx. 3 weeks since my (our) convictions at jury trial. I am concerned for your lack of communication to me as per

Rule 1.4 of the Delaware Lawyers Rules
of Professional Conduct. Running into each
other in the hallways of SCTI just don't get it!
Please acknowledge I am concerned.

Respectfully,

Charles F. Grdone
SCTI-SBI #098159
Bldg. PT-B7M
PO Box 500
Georgetown, DE

19947

* This is an exact duplicate of letter I am
now posting to Mike Abram

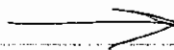
To: Michael Abram, Esq. [Copy mailed to Mike April 16, 05]

1. ID # 0409005091 : CRA # 504-09-0291 thru 0293
and 504-09-0295 thru 0296
and 504-09-0297 Amended

Dear Mr. Abram:

I wish for you to clarify your April 13, 05 response to my April 7, 2005 letter to you..... Correct me if I am wrong. I have your April 13, 2005 letter here, in front of me. In your first response you say "It is my (your) understanding that the Court did in fact sever the charge," in response to my inquiry as to "why the State has issued a Nolle Prosequi on your (my) remaining charge instead of a severance".... then your letter states "After the trial, the State decided to Nolle Pros the other charge remaining against you." What other, remaining, charge? Are you saying this...

- (1) I was found not guilty of count 1- 504-09-0291?
- (2) " " " guilty of count 2- 504-09-0292?
- (3) Your (Abram) oral Motion to Sever (as per Peggy Cronin's memorandum to Mr. Abram and Paula Ryan) was granted by Judge Graves on March 28, 2005. At that time the court severed Count 3 of the Indictment? Now, I have in front of me, a Nolle Prosequi entered by Paula Ryan and filed with Sussex County Prothonotary on April 1, 2005 at 1:49 P.M., the reason given (83) Nolle Pros AG.... So, is Count 3-PDWBPP a Nolle Pros or Severance? And what is the difference? (I have been in the Behavior Mod since April 2, 2005.... I now have in cell access to Law Library - Evidently, Diane Plummer is history - and the library allows the DDA-Behavior Mod 2 hours, weekly, which as you know 2 hours is inadequate. That is why I'm asking you for the distinction between Nolle Pros and a Severance. Getting back to



the status of my remaining charges ... you say in your April 13⁰⁵, letter to me "It is my (your) belief that the State decided the conviction for aggravated menacing was sufficient (sufficient for what??) and has decided that it does not need to pursue any other charges." Are you and the State saying I have only the aggravated menacing as a guilty conviction? You also informed me that you don't think I'll get any time out sentencing. But, according to that same letter, you say "After the sentencing has taken place, we can file a Notice of Appeal." Something serious is going on. Therefore I am stating to you, once again, to assure me Charles? Carone, that as per the Delaware Superior Bill of Professional Conduct that you and your office are representing me as per the preamble: "A lawyer's responsibilities, sections [1] thru [21] EL - Section Tuley, 2003. At the time let me add that my mother, Mrs. Elizabeth De Stefano the woman whose phone calls you have consistently refused to acknowledge, the same 88 years young woman that you Mr. Abram spoke with at the conclusion of our trial on March 28, 2005, wishes to be heard as a character witness on my behalf on May 15, 2005 the tentative date of my sentencing and violation of Probation sentencing hearing. Yes, I do have additional questions and concerns and no I will not hesitate to contact you. Thank you for your time & attention to this matter. (Sinner a break).

Charles F. Carone

3
 * Con't of letter by Charles F. Cardone to his attorney of record, Michael Abram, Esq., re ID# 0409005091

— Furthermore, let me add that on Friday, April 15, 2005, last night, I underwent yet another beating by another SCT Correctional Officer whose name is Corporal DRUGAST. This beating occurred in front of the following witnesses:

1. C/O HAZEL
2. C/O Corporal Morris
3. C/O Bowden
4. the nurse who usually brings me my night time meds.... I do not know her name.

The following day, I informed LT. G. R. Johnson of this beating with C/O HAZEL at his side. HAZEL denies any knowledge of the incident. That same nurse denied me treatment after that beating the same night.

At, or on, Dec. 3, 2004 at my Motion to Withdraw hearing asked for by my then public defender E. Stephen Callaway, heard in front of T. Henley Graves, I informed Graves, in open court, of another beating of me by another SCT Correctional Officer, Jonathon Baker that took place in November of 2004. At that time, Baker tried to kill me in front of 2 C/O's (whose names I have) as witnesses for Baker and my witness who is

→

4
willing to testify on my behalf that Baker
did try to kill me ---

So, let me sum this up... I have reported
to you, Michael Abram, and Judge T. Hanley
Graves, 2... I repeat, TWO beatings that I
Charles F. Cardone, have endured (Two Beatings)
at the hands of 2 Sussex Correctional Insti-
tution's Correctional Officers since November
of 2004. As Officers of the Court, neither
you nor Graves have seen ^{fit} to conduct an
investigation to substantiate my accusations
re the above. Cfc - April 16, 05

To: Patricia Bartley Schwartz

(1)

RE: ODC File No. C05-4-2
(Michael R. Abram, Esquire)

Dear Ms. Schwartz:

Thank you for your prompt response to my complaint. Let me say this... "Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct"... this is a quote from the comment section post Rule 8.4. Misconduct of the Delaware Lawyers' Rules of Professional Conduct. Allow me to quote further: Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. If and when my complaints against Mr. Abram, until such time those complaints are (to me) satisfactorily dealt with, then, and only then, will this matter be closed.

* This is a true copy of my letter to Mrs. Schwartz, written, by me, Charles Z. Cardone and posted on the above date.

Sincerely,

Charles Z. Cardone

Law Office of Edward C. Gill, P.A.

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

5-3-05

May 3, 2005

Charles Cardone
SCI
P. O. Box 500
Georgetown, Delaware 19947

Re: Replies to your letters

* PDWBPP - Dismissed
March 28, 05

Dear Mr. Cardone:

Re: Reply to letters sent

Dear Mr. Cardone:

I have received your correspondence, however I have not been able to respond in a more timely matter because I have been out of the office attending a seminar, and upon my return I had repeated full day hearings and the like to attend to in Court. I will attempt to respond to your questions.

Regarding the difference between a severance and a nolle pros. In your case, we severed the PDWBPP charge because it would inform the jury of your past criminal history. After the charge was severed, instead of the State attempting to try you separately on the remaining charge, Paula Ryan decided that she would dismiss the charge. She did this because of the jury verdict in your trial.

GETZ

Violated
my 6th Amend
right to Jury
trial

I will request a continuance of your violation at your pending sentencing. However, I believe that since you have been convicted the judge will not continue the matter. — Fooled you abson

I must inform you, Mr. Cardone, that your repeated citation of the Delaware Rules of Professional Conduct as well as your personal insults directed to me and to Judge Graves about me are of great concern. On a professional level they will not, nor have they ever, caused me to give anything less than my best effort for your case. However, it is becoming clear to me that any appeal which you wish to file with the Supreme Court will allege that you received ineffective assistance of counsel. As

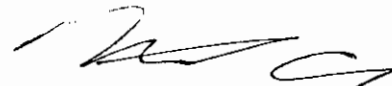
2 5-03-05

Charles Cardone
May 3, 2005
Page 2

such I will inform Judge Graves that a new attorney for your appeal should be appointed because I do not believe I will be effective in pointing out what you believe to be my shortcomings.

Regarding your sentencing, I believe it is imperative that your mother and step-father testify on your behalf at sentencing. I will speak to you before sentencing to determine if there are any other witnesses you believe need to be present. —Not Done

Sincerely,



MICHAEL R. ABRAM, ESQUIRE

MRA/slw

May 10, 05

Office of Disciplinary Counsel

SUPREME COURT OF THE STATE OF DELAWARE

Carvel State Office Building
820 North French Street, 11th Floor
Wilmington, Delaware 19801
(302) 577-7042
(302) 577-7048 (Fax)

ANDREA L. ROCANELLI
Chief Counsel

MICHAEL S. MCGINNISS
MARY SUSAN MUCH
PATRICIA BARTLEY SCHWARTZ
Disciplinary Counsel

May 10, 2005

CONFIDENTIAL

Michael R. Abram, Esquire
16 N. Bedford Street
P.O. Box 824
Georgetown, DE 19947

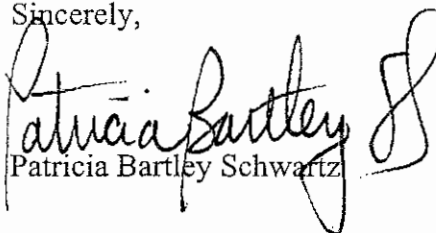
Re: ODC File No. C05-4-2 (Michael R. Abram, Esquire)

Dear Mr. Abram:

For your information, I have enclosed further correspondence received in this Office from Mr. Charles F. Cardone, dated April 19 and April 29, 2005. Please contact Mr. Cardone to discuss his concerns regarding your representation.

Pursuant to the authority of this Office under Rule 9(a) of the Delaware Lawyers' Rules of Disciplinary Procedure, **this matter remains closed.**

Sincerely,


Patricia Bartley Schwartz

PBS:mmm
Enclosure

cc. Mr. Charles F. Cardone (w/o enc.)

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

v.

CHARLES F. CARDONE

:

: C.A. NO.: 0409005091

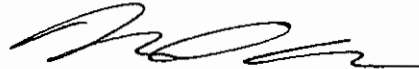
:

NOTICE OF MOTION

TO: Paula Ryan, Esquire
Department of Justice
114 E. Market Street
Georgetown, Delaware 19947

PLEASE TAKE NOTICE that the attached Motion to Release Pre-Sentence Report to Defendant shall be heard at a date and time convenient to the Court and counsel.

LAW OFFICE OF
EDWARD C. GILL, P.A.



Michael R. Abram, Esquire
Attorney for the Defendant
16 N. Bedford Street
P.O. Box 824
Georgetown, DE 19947

DATED: 5/10/05

6 copies of
10-09-05

Pg 1 of 6

Pg 2 of 4

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

:

v.

: C.A. NO.: 0409005091

CHARLES F. CARDONE

:

MOTION TO RELEASE PRE-SENTENCE REPORT TO DEFENDANT

NOW COMES, the above captioned defendant, Charles F. Cardone, and respectfully requests that the Court issue an Order requiring the release of the Pre-Sentence Report to the Defendant and in support thereof states:

1. That Defendant was convicted on March 28, 2005, of Aggravated Menacing, Criminal trespass, and Resisting Arrest.
2. That pursuant to the Order of the Court and DE ST TI 11 § 4331, and DE ST SUPER CT CR Rule 32, there was a Presentence Investigation done to assist the trial judge in sentencing the Defendant properly.
3. That the fruit of the investigation is a Pre-sentence Report that is filed with the court and is accessible to the State as well as to Defense Counsel.
4. That the Pre-sentence Report may not leave the Pre-sentence Investigation office without a court order.

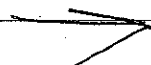
TO: T. HENLEY

April 12, 05 P316

FILED PROthon
SUSSEX COUNTY
2005 APR 13 PM 12:24

Sir:

Here it is, the 12 of April.... on March 28th I was found innocent on certain charges, guilty on certain charges, severance of certain charges and nolle prosequi on certain charges. My statement to you, raison d'être of this letter, is "CMA" - covering my ass. I wish to appeal the jury from Mars' guilty verdicts per Rule 26 of the Supreme Court of the State of Delaware. I also wish to have 10 grand-children to make up a football squad. Which will I see first? the squad or Michael Abram, Esq., my attorney of record? According to the Return Receipt Requested in my possession, I am, as of this date, approx. 15 days later, quite concerned to Mr. Abram's refusal to



Pg 2 of 4

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

:

v.

: C.A. NO.: 0409005091

CHARLES F. CARDONE

:

MOTION TO RELEASE PRE-SENTENCE REPORT TO DEFENDANT

NOW COMES, the above captioned defendant, Charles F. Cardone, and respectfully requests that the Court issue an Order requiring the release of the Pre-Sentence Report to the Defendant and in support thereof states:

1. That Defendant was convicted on March 28, 2005, of Aggravated Menacing, Criminal trespass, and Resisting Arrest.
2. That pursuant to the Order of the Court and DE ST TI 11 § 4331, and DE ST SUPER CT CR Rule 32, there was a Presentence Investigation done to assist the trial judge in sentencing the Defendant properly.
3. That the fruit of the investigation is a Pre-sentence Report that is filed with the court and is accessible to the State as well as to Defense Counsel.
4. That the Pre-sentence Report may not leave the Pre-sentence Investigation office without a court order.

5. That because the report may not leave the Pre-sentence Office, the Defendant, who is incarcerated, may not view the report.
6. That under DE ST SUPER CT CR Rule 32(a)(1)(A) the court must let Defense Counsel review the report prior to sentencing, or the Defendant if he is appearing Pro Se before the court. This rule does not specifically refuse the defendant the right to view the Pre-sentence Report, however the practice of the Pre-sentence Office in Sussex County precludes that possibility in the case at bar.
7. That the Defendant has much better knowledge of the past incidents that are mentioned in the Pre-sentence Report than Defense Counsel who has no personal knowledge of these events because he did not represent the Defendant at these prior proceedings.
8. That under recent United States Supreme Court rulings the Defendant has a right to refute facts that may be used by the trial judge to enhance his sentence, (Blakely v. Washington,

124 S.Ct. 2531 (June 24, 2004), US v. Booker, 125 S.Ct. 738 (Jan

12, 2005)). *On appeal, cite - US v. Booker, 543 U.S. — 2005 U.S. LEXIS 628 (2005)*

*U.S. v. Green, 2004 U.S. Dist. Lexis 11292 *3 (D. Mass June 18, 2004)*
the holding in Blakely is the Supreme Court's attempt to protect against the government's manipulation of the Guidelines by refocusing the courts on an accused's Sixth Amendment right to a jury trial.

Pg 4 of 6

9. That denying the Defendant the opportunity to review the

Pre-sentence Report violates his rights per the United States

and Delaware Constitutions.

- Recent U.S. Supreme Court decisions previously cited in #8

WHEREFORE, the Defendant respectfully requests that the Court issue an order requiring the release of a copy of the Pre-sentence Report to Defense counsel in order for the Defendant to review the report prior to sentencing.

LAW OFFICE OF
EDWARD C. GILL, P.A.



MICHAEL R. ABRAM, ESQUIRE
16 North Bedford Street
P. O. Box 824
Georgetown, DE 19947
(302) 854-5400
Attorney for Defendant

DATED: 5/10/05

Pg 5 of 6

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

:

v.

: C.A. NO.: 0409005091

CHARLES F. CARDONE

:

ORDER

IT HAVING COME TO BE CONSIDERED this _____ day of

_____, 2005;

IT IS HEREBY ORDERED that the Pre-Sentence Report shall be released to counsel for the Defendant.

THE HONORABLE T. HENLEY GRAVES

Pg 6 of 6

CERTIFICATE OF DELIVERY

THIS is to certify that I caused to be delivered, a true and correct copy of the within Motion to Release Pre-Sentence Report to the Defendant this 10 day of May 2005.

To: Paula Ryan, Esquire
Department of Justice
114 E. Market Street
Georgetown, Delaware 19947


MICHAEL R. ABRAM, ESQUIRE

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

:

v.

: C.A. NO.: 0409005091

CHARLES F. CARDONE

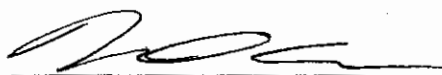
:

NOTICE OF MOTION

TO: Paula Ryan, Esquire
Department of Justice
114 E. Market Street
Georgetown, Delaware 19947

PLEASE TAKE NOTICE that the attached Motion for Recusal shall be heard at a date and time convenient to the Court and counsel.

LAW OFFICE OF
EDWARD C. GILL, P.A.



Michael R. Abram, Esquire
Attorney for the Defendant
16 N. Bedford Street
P.O. Box 824
Georgetown, DE 19947

DATED: 5/10/05

6 copies of
10-09-05

Pg 1 of 8

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

:

v.

: C.A. NO.: 0409005091

CHARLES F. CARDONE

:

Pg 2 of 8

MOTION FOR RECUSAL

NOW COMES, the above captioned defendant, Charles F. Cardone, and respectfully requests that The Honorable T. Henley Graves recuse himself from the above captioned proceedings and in support thereof states the following:

1. The Honorable T. Henley Graves presided over the trial of the defendant March 28, 2005.
2. Under Del. Judges' Code Jud. Conduct Canon 3(c)(1) "A" judge should be unswayed by partisan interests, public clamor, or fear of criticism." *wrong 3(A)(1) I would have cited violations of other canons*
3. The Defendant in this case, Charles Cardone has registered a formal complaint with the Supreme Court against The Honorable T. Henley Graves with regard to how he handled the appointment of present counsel (See Exhibit "A" attached hereto). *No - I filed a complaint because he did absolutely nothing about my beating by Baker*
4. The Defendant has also written letters to The Honorable T. Henley Graves in which he has directly called into question

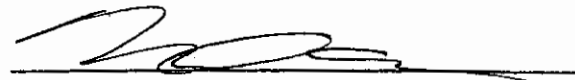
the competency of this judge. (See Exhibit "B" attached
hereto).

pg 3 of 4

5. Due to these communications the Defendant believes that Judge Graves may have difficulty sentencing Mr. Cardone without being swayed by partisan interests.

Wherefore the Defendant respectfully requests that the Honorable T. Henley Graves recuse himself in this matter and allow sentencing to proceed before another Judge of the Superior Court.

LAW OFFICE OF
EDWARD C. GILL, P.A.



MICHAEL R. ABRAM, ESQUIRE
16 North Bedford Street
P. O. Box 824
Georgetown, DE 19947
(302) 854-5400
Attorney for Defendant

DATED : 5/10/05

pg 4 of 8

CERTIFICATE OF DELIVERY

THIS is to certify that I caused to be delivered, a true and correct copy of the within Motion for Recusal this 10 day of May 2005.

To: Paula Ryan, Esquire
Department of Justice
114 E. Market Street
Georgetown, Delaware 19947


MICHAEL R. ABRAM, ESQUIRE

D - 2 copies

Jan. 23, 05

Front & back

Notary

Pg 5 of 8

To: Margaret L. Naylor, Esquire

COURT ON THE JUDICIARY
RECEIVED AND FILED
FEB 16 2005

I wish to file a formal complaint with your agency directed toward Henley Graves.

On December 3, 2004, I was transported to the Superior Court in Georgetown from this prison where I am housed in Pre-trial building awaiting a February 14, 2005 trial. That Dec. 3 hearing was in front of T. Henley Graves for a motion to Withdraw filed by my then Public Defender E. Stephen Callaway initiated by me so I may be represented by a court appointed conflict attorney. Callaway's Motion was granted and Michael Abram of Ed Gill's office was selected to represent me. At the onset of that Dec. 3 hearing I advised Judge Graves that I was recovering from a terrible beating at the hands of 3 Sussex Correctional Institution's correctional officers, that had happened approx. 1 week prior to my appearance in front of Graves. When a transcript of that motion to withdraw hearing is obtained or reviewed by you, you will then see that Grave's response to me advising him (Graves) I was beaten was "you (me) don't look to worse for wear," and the hearing was conducted to it's completion. I now feel his response and Grave's lack of concern as an officer of

Con't →

pg 68

the court merits and demands an investigation by Grave's ~~superior~~ by your agency.

Yes, this letter to you is a complaint over a member of the judiciary, Judge T. Hanley Graves. This complaint is directed to you and your agency.

Margaret L. Naylor, Esquire

D-(1)
copies(2)

Court on the Judiciary

Supreme Court of Delaware

P O Box 369

Georgetown, DE 19947

by me -

Charles Z. Cardone
Charles F. Cardone

4-1-05
~~3-3-0~~

* I attest that the signatara presented Valid identification verifying his identity and I did witness their signing of this document.

SCIE-SBI#098159

Bldg PT

P O Box 500

Georgetown, DE

19947

Sworn to and sub-
scribed before me
on the date,

Respectfully

Donna S. Fuhrman 4-1-05

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

v.

CHARLES F. CARDONE
SBI: 00098159
DOB: 01/13/1949

: Case No. 0201021864
: Cr.A. No. 02-02-0391, 0394
:
: Case No. 0409005091A
: Cr.A. No. 04-09-0292, 0296, 0741
:
:

ORDER

NOW THIS 16TH DAY OF MAY, 2005, IT IS THE ORDER OF THE COURT THAT:

WHEREAS, defendant was before the Court on May 12, 2005, for sentencing on a new conviction of aggravated menacing, resisting arrest, and criminal trespass third degree, and sentencing on a violation of probation for prior convictions of assault in the second degree (a lesser included offense of attempted murder in the first degree) and assault third degree (a lesser included offense of assault of a person older than 62), and

WHEREAS, the presentence investigation prepared by the Investigative Services Office for sentencing in this matter was limited due to the defendant's uncooperative behavior in assisting that office in preparing the report.

THEREFORE, because the prior convictions in the violation of probation matter as well as the new convictions are of a violent nature,

IT IS HEREBY ORDERED that the defendant shall be transported by the Department of Correction to the Delaware Psychiatric Center for a psychological examination for the purpose of assisting the Court in sentencing in this matter. - *PSI*

FURTHER, any information that the authorities at Delaware Psychiatric Center may need to assist them with this psychological evaluation shall be provided by State and Defense counsel.

FURTHER, the report and recommendation shall be forwarded to the Court upon completion, and the defendant shall be scheduled for sentencing on **Friday, July 29, 2005, at 11:00 a.m.**

IT IS SO ORDERED.


T. Henley Graves, Judge

cc: Prothonotary
cc: SCI Records Department (via fax and state mail)
Dianne Stachowski, DPC (via fax and state mail)
Michael Abram, Esquire (via fax and interoffice mail)
Paula Ryan, Esquire, Department of Justice (via fax and interoffice mail)
Charles Cardone (via fax and state mail)
Matthew Gladding, P&P

152
6 Copies
10-12-05
Gibbs v. State, 760 A.2d 546 (2000)
Spark v. State, 755 A.2d 390 (Del 2000)

(8)

May 19, 03

Hello Mike;

* Did our Motion for Recusal of Graves get granted, or not? Did our Motion to Release Pre-sentence report get granted or was it nipped? RSVP... Allow me to correct #3 of the supporting facts re Motion for Recusal:

(1) My complaint to the Supreme court concerns T. Henley, as an officer of the court, he did not deem it (the mere fact that I told him in court) necessary to warrant his (Graves) ordering an immediate investigation to my allegation of attempted murder on me by C/O Jonathan Baker.

(2) Not only is Graves competency to continue in his role as judge in my situation ^{IS IN QUESTION}, I am also stating that Judge Richard Stokes and Judge Bradely (Scott) have screwed me in situations in front of them ... situation I can verify but, chose not to at this particular time. Their recusal is imperative, also.

* Now, as to our Motion for release of ~~senten~~ ^{SEN} pre-sentence report, or any other materials or informations that judge will use to determine proper sentencing of me ... You then state, in supporting statement #1; that I was convicted on Menacing, Criminal Trespass 3rd and Resisting Arrest, which contradicts your statement to me in a letter that "the State dismissed the remaining charges, that they had enough to work with re the guilty verdict of →

the jury.... As to statement #6 of Motion to
 release information.... My right to review infor-
 mation is not attributed, nor it based on the
 statement "if he(me) is appearing Pro Se before
 the court. Furthermore, the ambiguity of
 Del ST Super Ct CR Rule 32(a)(1)(A) is
 attributed to the writer(s) of that rule, therefore,
 I am guaranteed relief because of that
 ambiguity, correct, n'est ce pas?

Other than the above and the afore, thank
 you for filing those 2 motions.

* Motion for Recusal

like's supporting statement
 2 is in error.... it is Del.
Judges' Conduct Canon

3(A)(1) Not 3(C)(1)

Please advise,

Respectfully,

Charles F. Cardone

* Get Frank to make copies
 of Newspaper, etc

As to statement 5.... "Due to these communications the
 Defendant, Charles F. Cardone, believes that Judge Graves
 may have difficulty sentencing Mr. Cardone without being
 swayed by partisan interests and because Judge Graves
 has proven his incompetence ~~and~~ malfeasance by contin-
 ually violating canons of the Del. Judges Code
 How many other of his sentenced convicts has he destroyed?

To: Superior Court Judge 1 May 17, 05
T. Henley Graves Tuesday, 11am

(9)

*Copies have been made.

mailed to T. Henley...
not sure of date

Sir:

This letter is intended for your eyes only, unless of course, you need to reveal it for judicial purposes, (I'm not sure if judicial purposes is the correct usage, but, I'm sure you know what I mean to relay a condition of release). I will attempt to keep this letter short, concise, and to the matter at hand which is, of course, an attempt by me to give His Honor an abbreviated "look" into me, Charles F. Cardone. Where shall I begin let me begin with my 2nd wife, the mother of our twin sons (age 25) Frank and James and the fact that she (Theresa, my 2nd wife) decided she did not wish to live together w/me as husband and wife. We were together approximately 17 years, up to the time my drinking was as the straw that broke the camel's back. She ~~caused~~ called the law on me because I "caused her to fall down". That was the exact wording on the arrest warrant for Offensive Touching that was "heard" in Family Court where Jack Hyde represented me in between his cat naps during the actual hearing. My 2 sons were witnesses to my x wife's "caused to fall down" which James, who decided to support his Mother in order to keep a roof over his head, and Frank, who refuted that statement in support of his Father, me. James was allowed to take the stand, Frank was not... Mr Hyde did absolutely nothing to try and get Frank on the witness stand in my behalf. Mr. Hyde was too busy snoring to even try. This was in '96 or '97, I'm not even sure... after my conviction given time served, etc. I stayed drunk for 1 year, being allowed to stay at my mom's house along with

→

a point sledge hammer he was coming at me was
 in the kitchen of their trailer. You probably don't
 know about that because Mr. Callaway told me
 he couldn't search their premises for the hammer
 because "he and his PD office were not the police"....
 now, people ignorant of Delaware Criminal law say
 there is no "defense claim" in Delaware. In 1999
 New Castle State Police Charge me with 2nd° Assault
 because I cut someone (of the six patrons and the bar-
 maid who attacked me in the bar because I made
 a lewd remark to that barmaid). That was in the old
 'union bar' on Maryland Ave. up at 5 points in the
 Richardson Park area, across from the Ashby Mansion.
 It took me 10 months, at the end of that time, Gander
 transported me to the old Court House across from
 Rodney Square for trial. During that 10 months I
 filed my own stuff because Robert Carey, my
 PD never once visited me in Gander except 3
 days before my trial. I did not even have to go
 upstairs to the Court room... the guard came to the
 holding cell and told me "your (my) shit had been
 dropped. Gander transported me down here to see
 you only to have you say "violation dismissed. It
 then took Gander 34 days to release me which
 Kent Jordan dismissed my claim of illegal
 incarceration. Getting back to stabbing my mom's

Continuation of my letter
to Graves:

May 11, 2005

(9)

husband.... Callaway and his gang pushed a dim cap defense on me but the Shinks couldn't find anything wrong with me. The state spent \$500.00 for a head doc to come from People's Place in Milford for 1 1/2 hrs to test me, then the state transported me to the New Court House on 5 + King to then transport me to Delaware State Hospital (I believe it was in the new Mitchell Building) for a good looking blonde shrink to orally test me. I passed that, too, evidently. Bottom line, I took the 2 years mardy for stabbing Iggy because I was too drunk to figure out another way (at the time) to disarm him. While he forced me back into the kitchen, knives were available to me so the rest is history. On my new charges in Rehoboth in September, 04, ~~the~~ you and the State + Rehoboth PD are attempting to railroad back into prison. I am needed more as a caregiver and caretaker of my 88 years young Mother and her 85 year old husband who has been gracious enough to allow me back into their household. What is wrong w/ the picture you and Paula are trying to paint of me, in and out of your courtroom? Your cop heads can't and/or won't see the forest for the trees, your cop head trees.... y'all are loading these jail houses so fast, they can't be built and manned fast enough. The VA system has medicated me, treated me, housed me since 69 when I came back from Viet Nam and they will continue to do so because I allow them to look after me. Maybe you and the state see dollar signs when you look at me, perhaps that is what is why

→

4

you are trying to paint your own picture of me
to keep me in your system so me and people
like me will help support your ridiculous
salaries. You do what you gotta do, + I will
do what I gotta do either way, I will see
you and your kind in the fires of hell where
we belong.

Charles Carlson

May 18, 05

To: Patricia Bartley Schwartz

*mailed to
Pat on this date

From: Charles F. Cardone

copy

RE: ODC File No. C05-4-2 (Abram)

Yo,

you will have to forgive my handwriting, I'm getting the results of a beating I went thru by 2 SCI guards... Suedanne Richards and Doc Burns minions ~~was~~ refuse to treat the cuts, knots on my head, pains in my chest and back area. Bear with me Ms Schwartz. This is another enclosure y'all can send to Abram for him to get up with me. When this mess is concluded y'all are going to reimburse me if these costs of contacting y'all. It'd be a lot simpler if y'all would accept my phone calls. Oh, well, what the hey. Not only does Abram ^{Not} get in touch w/ me, nor does Margaret Naylor... my last contact w/ her was when she was good enough to send me my docket sheet of April 6 noting the file #

C.T. No. 6, 2005

Does your Office, under Rule 9(a) of the Del
Lawyers' Rules of Disciplinary Procedure still
saying this matter remains closed? Please

advise me so I may attempt to go to the
next step, phase, whatever you call it.

*yeah, I'm still here
at SCI

Sincerely,
Charles F. Cardone

To: Patricia Bartley Schwartz May 20, 05 (2)

RE: ODC File No. C05-4-2 (Michael Abram)

Dear Madame:

I am in possession of a letter from Mr. Abram dated May 18, 2005, to me, Charles F. Cardone, Mr. Abram's client, in which Mr. Abram states, unequivocally, that he has been in communication with the trial court judge, Graves, and other officers of the Court without my knowledge and without my (Cardone) being present during those communications which are, in turn, violations of Mr. Abram's Rules of Professional Conduct. My question to you: Do you now see cause to invoke Rule 1(c) of the Delaware Lawyers' Rules of Disciplinary Procedure?

Please advise...

Respectfully,

Charles F. Cardone

copy + keep for records - cfc

cc Mr Abram

mailed on 5-22-05

To: Michael Abram

May 20, 05

Fri evening

From: Charles F. Cardone

copy

RE: Case No. 0201021864

Cr. A. No. 0202-0391, 0394

mailed to Mike
5.22-05

Case No. 0409005091 A

Cr. A. No. 04-09-0292, 0296, 0741

* 16 copies - 10-9-05 *

Mr. Abram:

I have presented the above Case #s + Cr. A. #s to you at the beginning of this letter to you... to let you know these #s are in error. The above #s are mistakenly cited from Grave's Order of the Court of the 16th Day of May, 2005. I say these #s are in error because of Peggy Cronin's Memorandum to us dated March 28, 2005, which states: "All future filings in Superior Court are to Be Filed Under

Case # 0409005091 A

Cr. A. # - 04-09-0291-0292 + 04-09-0295-0296 + 04-09
0741

Case # - 0409005091 B

Cr. A. # - 04-09-0293

* May I quote: "Failure to use the correct identification numbers may result in the Document Being Returned to you for Correction." These No.'s do not give, therefore, someone needs to get their heads out of their asses and correct what needs correction. If I don't

take care of this bullshit, I got no one to turn to except myself... I do not see you, Mr. Abram, vigorously defending me and looking out for my best interests in our case since your introductory letter of a few months ago. As to Grave's May 16, 2005, Order of the Court, his final "Further" states "the report and recommendation shall be forwarded to the Court upon completion, and the defendant shall be scheduled for sentencing on Friday, July 29, 2005, at 11:00 a.m. He, Graves, is again violating Rule 32 of the Federal Rules of Criminal Procedure as recently amended by Congress which provides that the defendant (Cardone) must be provided a copy of his (my) Pre-Sentence Investigation Report (PSI), not less than 35 days before the sentencing hearing. There is provision in Rule 32; however, that for good cause shown the Court may allow objections to be raised at any time prior to imposing sentence - even after the 14 day objection period, has passed. Caprice? The documents I have used to cite these errors and Judicial goofs and violations are in my and my family's possession.

* Yeah, I'm busy, too...

CC records (mine) Keep 4 records

Pg 2 of 2

May 20, 05
Letter to Abram
from me, Cardone
LEGAL
WORK

To: Michael Abram

May 21, 03

(10)

From: Charles J. Cardone

(Copy) + Post

ID# 0409005091A + 0409005091B

Sir:

You have stated to me via written letter that

Graves has denied our 2 motions before his court....

Graves has denied our Motion to Release Pre Sentence Report to Defendant (me, Cardone) and, also, our Motion for Recusal of Graves... in your supporting statements for Graves' recusal, you (Abram) state "the defendant.. with regard to how he handled the appointment of present counsel".... the afore is your supporting statement #3 (three). If you, Mr. Abram, will re look at Exhibit A attached, the one of several supporting statements of Exhibit A is Grave's refusal, as an officer of the Court (his) to order an investigation to my (Cardone) statements to Graves alleging the "terrible beating at the hands of 3 Sussex Correctional Institution's correctional officers".... if Grave's smart ass answer to me, in open court, does not show incompetence and malfeasance and a strong showing of support for Graves, himself, to recuse himself for violations of the Delaware Judges' Code of Judicial Conduct, then I have some ocean front property for sale, in California, that he (Graves) would love to buy. Not withstanding the exhibits you attached to this motion for recusal, a transcript of that Dec. 3, 2004, Motion to Withdraw by Callaway will prove my allegation that Graves said "I didn't look to worse for wear" when I advised him about the beating. I am, therefore, asking you to request that transcript to be used by you

→

to submit an appeal re Graves denial to
 be recused. Please advise..... OK, onward and upward
 to the denial of our Motion to Release..... in supporting
 statement #6 you state "however the practice of the Pre-
 sentence..... what does Sussex County's practice have
 anything to do with ^{my} right under recent U.S. Supreme
 Court rulings that the defendant (Cardone) has a right
 to view all material that the sentencing judge (Gross),
 or any other judge, that may use those materials to
 impose sentencing on Cardone, the defendant?? As to
 statement of support #1, I thought we agreed, as did
 Paula Ryan, that the state was ~~satisfied~~ satisfied w/ a
 aggravated menacing conviction and that the "remaining"
 charges went by the wayside? So, in our appeal of
 Graves' second denial of our Motion to Release....
 we rewrite statement #1.... omit "the Pre-sentence
 Office in Sussex County's practice" #6 and also to
 correct #8 by citing US v Booker, 543 U.S. ---, 2005

U.S. Lexis 628 (2005)

and its companion case U.S. v. Fan Fan

not US v Booker, 125 S.Ct. 738 (Jan 12, 2005)

unless you know something I don't know about
 the citing of Booker? Please advise...

Still expect Graves denial Cardone

to be forwarded to me for my
 personal record of this Comeddy of Errors. cfe

Law Office of Edward C. Gill, P.A.

Pg 162

16 N. BEDFORD STREET
P.O. BOX 824

GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

May 25, 2005

6 copies - de
10-09-05 (a)

Charles Cardone
SCI
P. O. Box 500
Georgetown, Delaware 19947

Re: State of Delaware v. Charles Cardone

Dear Charles:

I have received your letter dated May 19, 2005 questioning the proceedings on your previously scheduled sentencing date. I will do my best to answer the questions you raise in your letter.

Regarding your request to view the denial of the motions that were presented to Judge Graves, it is not possible at this time. Judge Graves ruled from the bench regarding these motions and did not issue a written reasoning. As there is no written denial, I cannot show them to you. *when?*

As to the potential continuance that did not happen, my secretary informed me that she had spoken to the scheduling clerk at the Superior Court who had informed her that the matter was continued. There is nothing in the rules that state a defendant must be present when a continuance is granted. In fact that would be contrary to the purpose of a continuance which is to not bring in people when it is not necessary.

The maximum allowable time that Judge Graves was going to sentence you to would have been all of your suspended sentence from probation as well as the maximum time possible for your new charges. You are correct that he ordered a PSI but he has it in hand so he did not need to wait for it to sentence you.

As for the third page of your letter I have no idea what you want me to answer. I understand you do not like the preliminary questions that the officer asked you and because of it you refused to participate in the rest of the interview. So no you do not make yourself clear. You needed to participate, just like you need to participate in the psychiatric

evaluation that is coming up, even if it means answering questions you believe that they can answer on there own.

Charles Cardone

May 25, 2005

Page 2

File Pg 262

If you have any additional questions or concerns, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,



Michael R. Abram, Esquire

MRA/slw

*6 copies - cfr
10-09-05 (b)*

IN THE COURT ON THE JUDICIARY
OF THE STATE OF DELAWARE

IN RE: §
§ C. J. No. 6, 2005
THE HONORABLE T. HENLEY §
GRAVES, § **CONFIDENTIAL**
§
a Judicial Officer. §
COURT ON THE JUDICIARY
RECEIVED and FILED
MAY 31 2005

ORDER

This 31st day of May 2005, it appears that:

(1) Mr. Charles Cardone (Complainant) has filed a complaint against Resident Judge T. Henley Graves of the Superior Court (complaint attached as Exhibit A). The complaint is subject to dismissal, *sua sponte*, pursuant to Rule 5(b) of the Rules of the Court on the Judiciary.¹

(2) On March 28, 2005, Resident Judge Graves presided over the Complainant's jury trial. At the conclusion of the trial, the jury convicted the Complainant of Aggravated Menacing, Resisting Arrest and Criminal Trespass in the Third Degree.² The Complainant's sentencing is scheduled for July 29, 2005. In anticipation of sentencing, Resident Judge Graves ordered that the

¹Court on the Judiciary Rule 5(b) provides:

(b) *Sua Sponte dismissal*. The Chief Justice may decline to refer to the [Preliminary Investigatory Committee] Panel, and may dismiss by written order, *sua sponte*, any complaint which, upon its face, is (1) frivolous, (2) lacking in good faith, (3) based upon a litigant's disagreement with the ruling of a judge, or (4) is properly a matter subject to appellate review.

²*State v. Cardone*, Del. Super., Cr. ID No. 0409005091A.

Complainant undergo a psychological evaluation by the Delaware Psychiatric Center.

(3) The complaint in this Court alleges that Resident Judge Graves demonstrated a “lack of concern as an officer of the court” when responding to the Complainant’s statement at a December 3, 2004 hearing on defense counsel’s motion to withdraw.³ Moreover, the complaint alleges that the criminal charges brought against the Complainant were “ridiculous and illegal,” and that the Complainant’s court-appointed conflict counsel violated rules of professional conduct for Delaware lawyers.

(4) The complaint is subject to dismissal, *sua sponte*, pursuant to Rule 5(b)(4). It is clear that the complaint does not invoke the limited jurisdiction of the Court on the Judiciary. The Court on the Judiciary has the authority only to discipline a judicial officer for misconduct proscribed by Article IV, section 37 of the Delaware Constitution.⁴ The judicial disciplinary process is not a substitute for appellate review.

³According to the Complainant, when he informed Resident Judge Graves that he was recovering from injuries sustained in a beating by three correctional officers, Resident Judge Graves responded, “You don’t look too worse for wear.”

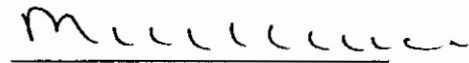
⁴*See* Del. Const. art. IV, § 37 (conferring authority on the Court on the Judiciary to discipline a judicial officer for “wilful misconduct in office, wilful and persistent failure to perform his or her duties, the commission after appointment of an offense involving moral turpitude, or other persistent misconduct in violation of the Canons of Judicial Ethics as adopted by the Delaware Supreme Court from time to time”).

NOW, THEREFORE, IT IS ORDERED that:

A. The complaint is dismissed, *sua sponte*, and no further action will be taken on the complaint.

B. A copy of this Order is to be transmitted by the Clerk of the Court on the Judiciary to Resident Judge Graves and to the Complainant.

C. Pursuant to Article IV, section 37 of the Delaware Constitution and the Rules of the Court on the Judiciary, this Order, all records (including complaints, correspondence, reports, exhibits, testimony, statements, orders, opinion and all other materials) in any proceeding in the Court, and all references to any such proceeding shall be confidential. All persons are required to honor the confidentiality unless the Court shall otherwise order on request of the judicial officer involved.



Chief Justice

March 5, 2005
APRIL

To: Margaret L. Naylor, Clerk

Notary

Supreme Court
 34 the Corde - P.O. Box 369
 Georgetown, DE 19947

Dear Ms. Mrs. Madam, Madame Naylor;

I'm bbbbbaaaaaa KKK,!!! I'm returning
 the enclosed original complaint re T. Henley
 Graves to you, the original complaint I sent to
 you on Jan. 23, 05 which you sent back to me
 with ^{your} a cockamamie refusal to accept that
 complaint, enclosed. Now that that is outta da
 way, may we uns proceed? In my initial re-
 search, (by the way.... it seems, with the dis-
 appearance of Diane Plummer [adios, baby] I now
 have my right to access of SCT's law library) I
 will use Canon 3 B(3) of the Delaware Judges'
 Code of Judicial Conduct to addend to what will most
 assuredly be more violations T. Henley bestowed on
 me during my incarceration from September 7,
 2004 to present and future, based on the ridiculous and
 illegal charges put on me by Keith Banks and
 'FC' Robert T. Whitman of the Rehoboth Beach Key-

(Con't) →

stone tops. Inward and upward. I will now charge the conflict lawyer that T. Henley bestowed on me to represent me in the aforementioned charges Michael Abram of Ed Gill's office with violations of the Principles of Professionalism for Delaware Lawyers in his (Mr. Abram's) role as my attorney in my case ID# 0409005091.

I have sent an appeal request to Mr. Abram re. my case ID# 0409005091. At present, I am awaiting a response from him on that appeal request. I have had no contact, whatsoever, from Michael Abram since my trial by jury conviction of March 28, 05. Time waits for no man. As T. Henley told me in his courtroom... "CYA - Cover your ass." That is the only remarkable statement uttered in my trial.

Very truly yours,

Charles F. Cardone
SBI#098159

* I wish to file formal complaints of violations of the Delaware Judges' Code of Judicial Conduct re. Judge T. Henley Graves by me Charles F. Cardone case ID# 0409005091... as well as formal complaints of violations by Michael Abram of Ed Gill's office of the Principles of Professionalism for Delaware Lawyers and violations of The Professional Conduct Rules of Delaware Lawyers.

Charles F. Cardone

COURT ON THE JUDICIARY OF THE STATE OF DELAWARE

MARGARET L. NAYLOR
Clerk

SUPREME COURT
34 THE CIRCLE
P.O. BOX 369
GEORGETOWN, DE 19947

February 16, 2005

Mr. Charles Cardone
SBI # 098159
Bldg. PT
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

CONFIDENTIAL

Re: *State v. Cardone,*
Def. ID No. 0409005091

** I sent this back to
Naylor, notarized by
Donna Fuhrman approx.
4-5-05
cfe*

Dear Mr. Cardone:

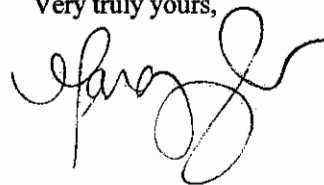
I am in receipt of your complaint dated January 23, 2005, against Superior Court Judge T. Henley Graves. Your complaint is not notarized. For this reason, I am returning your complaint.

The Court on the Judiciary receives complaints alleging judicial misconduct or disability that are filed against Delaware judges and commissioners. A complaint that is filed with the Court (i) must bear the complainant's original signature; (ii) set forth the complainant's address; (iii) name the judicial officer involved; (iv) allege with particularity the nature of the alleged misconduct or disability; and (v) **be executed by oath or affirmation** under penalty of perjury before a notary public. The Court does not consider a matter that is (i) frivolous, (ii) lacking in good faith, (iii) based upon a litigant's disagreement with the ruling of a judicial officer, or (iv) is properly a matter subject to appellate review. Ct. Jud. R. 5 (copy enclosed).

The Court on the Judiciary does not consider matters that are appropriate for appellate review. The Delaware Supreme Court has jurisdiction to receive appeals in criminal cases from the Superior Court. The appeal must be filed within thirty days of sentencing.

Very truly yours,

Enclosure(s)



To: Margaret L. Naylor, Esquire

COURT ON THE JUDICIARY
RECEIVED AND FILED
FEB 10 2005

APR 1 2005
COURT ON THE JUDICIARY
RECEIVED AND FILED

I wish to file a formal complaint with your agency directed toward Henley Graves.

On December 3, 2004, I was transported to the Superior Court in Georgetown from this prison where I am housed in Pre-trial building awaiting a February 14, 2005 trial. That Dec. 3 hearing was in front of T. Henley Graves for a motion to Withdraw filed by my then Public Defender E. Stephen Callaway initiated by me so I may be represented by a court appointed conflict attorney. Callaway's Motion was granted and Michael Abram of Ed Gill's office was selected to represent me. At the onset of that Dec. 3 hearing I advised Judge Graves that I was recovering from a terrible beating at the hands of 3 Sussex Correctional Institution's correctional officers, that had happened approx. 1 week prior to my appearance in front of Graves. When a transcript of that motion to withdraw hearing is obtained or reviewed by you, you will then see that Grave's response to me advising him (Graves) I was beaten was "you (me) don't look to worse for wear," and the hearing was conducted to it's completion. I now feel his response and Grave's lack of concern as an officer of

Con't ->

^{in demands or misrepresentation}
by Graves. ~~Signature~~ by your agency.
Yes, this letter to you is a complaint over
a member of the judiciary, Judge T. Hanley Graves.
This complaint is directed to you and your agency.

Margaret L. Naylor, Esquire

D-(1) Court on the Judiciary
copies (2) Supreme Court of Delaware
P O Box 369

Georgetown, DE 19947

by me — Charles F. Cardone 4-1-05 ~~3-31-0~~
Charles F. Cardone

* I attest that the
signature presented
and identification
verifying his
identity and I did
witness their
signing of this
document.

SCE-SBI #098159

Bldg PT

P O Box 500

Georgetown, DE

19947

sworn to and sub-
scribed before me
on the date, Respectfully

Donna B. Fuhrman 4-1-05

Office of Disciplinary Counsel

SUPREME COURT OF THE STATE OF DELAWARE

Carvel State Office Building
820 North French Street, 11th Floor
Wilmington, Delaware 19801
(302) 577-7042
(302) 577-7048 (Fax)

ANDREA L. ROCANELLI
Chief Counsel

MICHAEL S. MCGINNISS
MARY SUSAN MUCH
PATRICIA BARTLEY SCHWARTZ
Disciplinary Counsel

June 6, 2005

CONFIDENTIAL

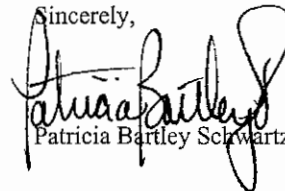
Mr. Charles F. Cardone (#098159)
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

Re: ODC File No. C05-4-2
(Michael R. Abram, Esquire)

Dear Mr. Cardone:

I have received your letters dated May 18, May 20 and May 22, 2005. This matter remains closed. This Office will take no further action regarding your complaint, nor will we respond to further correspondence from you regarding this matter..

Sincerely,



Patricia Bartley Schwartz

PBS:mmm

cc: Michael R. Abram, Esquire (w/copies enclosed)

To: Michael Abram, Esq.

July 19, 2005

Page 18

my court appointed / conflict attorney

From: Charles F. Cardone - SBI #098159 Copy

RE: State v. Cardone in tentative July 29, 2005, sentencing hearing and Violation of my Accountability II Probation on the same above date and the same trial judge (Graves) and VOP sentencing judge (Graves).

Sir: (25)3-8-06 10-13-05 3:30pm

I am sending you a copy of this letter to "CYA", cover my ass", as Graves would say, and has said in his courtroom to me during our December 3, 2004, Motion to Withdraw hearing which the transcript of that hearing will verify, should we require a written copy of that hearing should the need be required..... As to the appeal ~~to~~ that will be filed should Graves abuse his discretion in sentencing me, (among other points of settled law) this letter to you is my request to you to file our Notice of appeal should Graves sentence me to incarceration at my sentencing hearing above and beyond his crediting me with time served for these ridiculous charges and sentencing me with Level V as per my "back up time" in my VOP sentencing hearing. —

To proceed: Rule 32 of the Federal Rules of Crim Proc as recently amended by Congress, provides that I must be provided a copy of any and all PSI reports not less than 35 days before the sentencing hearing, and, after I have

(25)2-2-06

➔

reviewed those papers and reports there is provision in this Rule 32, for good cause shown, the court may allow me to raise objections at any time prior to imposing sentence on me.... The decision in the ^{Moore} ~~Williams~~ case (cite as: 49 Del. 29, 108 A.2d 675) took place in 1954.... and is history. Our Motion to Release PSI reports dated May 10, 05, was denied by Judge Graves according to your May 25, 05, letter to me... that Motion will be a point of appeal should Graves abuse his discretion in sentencing me.... as per your same May 25, 05 letter to me you state "he (Graves) ordered a PSI but he has it in hand so he did not need to wait for it to sentence you"... you also, incorrectly ~~stating~~ stated the latter as your 2nd supporting fact to release PSI to me... yes, he Graves, could have sentenced me but, again, END

Pg 2 of 2
 letter to A. Carbone
 from Carbone - July 19, 05

Charles F. Carbone

3 copies

On Aug 19, 05, I, Chava F. ^{3,806} ~~Aug~~ Cardone, sent by certified mail notices of appeal to Paula Ryan, Graves, Michael Abram, and to the Delaware Supreme Court. These notices of appeals were for my trial in Superior Court on March 28, 05. I was convicted of Aggravated Menacing, Resisting Arrest and ~~of~~ trespassing in the 3rd degree. I am also appealing Graves's sentencing of me at VOP sentencing hearing held on July 29, 2005, the same day and during the same sentencing hearing on my convictions at that March 28, 2005 trial. — Also, in these registers certified Notices of Appeals, I requested transcripts of all proceeding (Pre-liminary hearing transcripts, arraignment, Motion to Withdraw hearing held in front of Graves on Dec. 3, 2004, with public defender Callaway and me present, my trial transcripts to include pre-trial hearing of March 28, 2005 with me, Abram, and Graves, so I may inform Graves about Abram's ineffectiveness as my Court appointed attorney, because Abram did not file 1 pre trial motion on my behalf according to my Criminal Docket sheet as to my trial transcripts, I'm requesting the entire court trial transcripts, in their entirety, to include

→

the numerous side bars that were heard approx
10 feet from the prosecution's (State) witness
this nearness of the sidebars to these witnesses (s
most assuredly biased and prejudiced these States
witnesses against me.

Charles J. Carbone

7-2-02

Personal Record-

Cases # 040900509/A

0201021864-VOP

3 copies

Front + Back

10-13-05

Law Office of Edward C. Gill, P.A.

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

1 B
3 copies
Front - No Back

July 26, 2005

Charles F. Cardone
Department of Corrections
1181 Paddock Road
Smyrna, Delaware 19977

Re: State of Delaware v. Charles Cardone

Dear Mr. Cardone:

I have received your letter of July 13, 2005, and I will attempt to answer all of your concerns.

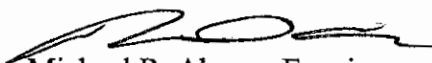
1. I have not filed a Motion for Recusal because Judge Graves has already refused this request. I cannot refile this motion without additional information or reasons to petition the Court again for something it has already ruled on.
2. I do not represent you on this matter so I will not file anything regarding this case.
3. I have not refiled the Motion to Release the PSI because the Judge has already ruled against us in this matter. However, if after we receive the psychological evaluation it references the PSI, this would be a new reason for you to deserve to review the PSI and I will file again to have a copy made for you.
4. I do not understand what you are requesting in paragraph 4. You appear to want to have the PSI altered yet you do not know what it says so how can you want it altered. You also want the PSI to recommend alternatives to level 5 time, which is what the new evaluation is for. You apparently also believe that I am colluding with the Judge to deny you your rights, which could not be farther from the truth. You also want to see a written denial of our motions, but as I explained previously it was an oral decision and as such there will not be a written denial.

Charles Cardone
July 26, 2005
Page 2

2B
3 copies

If you have any additional questions or concerns, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,


Michael R. Abram, Esquire

MRA/slw

As to Section 3 of 142nd General Assembly 20th
Senate Bill No. 50:

- Amend Section 4204, Title 11 of Del. Code to redesignate subsection "(m)" thereof as subsection "(N)", and by adding a new subsection "(m)" thereto, to read as follows.... "As a condition of any sentence, and regardless of whether such sentence..." "the Court may order the offender to engage in a specified act or acts".... "A violation of any order issued pursuant to this subsection shall be prosecuted pursuant to 11 Del. C. §1271... once again, if the discretions of the Court stated in this Senate Bill 50 of Delaware go above and beyond additional elements of offense (s) which the trial judge would impose higher penalties, serious questions would be raised as to defendant's guarantees under due process clause and Sixth Amendment's notice and jury trial guarantees as to these additional elements of offense, the additional elements used to impose higher and additional penalties must be charged by indictment, proven beyond a reasonable doubt, and submitted to a jury for its verdict... Senate Bill 50 is, as of this date, and in view of recent U.S. Supreme Court decisions, ambiguous in its entirety and may, and will be challenged re

- Jones v. United States No. 97-6203 (1999) - Cite as: 526 U.S.

- Apprendi v. New Jersey, 530 U.S. 466 (2000) 227, 119 S.Ct. 1215

- Blakely v. Washington, 124 S. Ct. 253 (2004)

- U.S. v. Horne, (USDC MD of Pa # 00-CR-274) - At times, the Probation Dept. issues PSI(s) & erringly based upon prior criminal acts involving violence or drugs. Unless these prior acts that are a part

of the PSI's that I am legally entitled to see and be able to controvert with by filing objections with the trial court, a higher offense level may + will be imposed. I must urge Abram to be pro-active and review all aspects of my PSI. - At this point, I wish to point out, according to Blakely: Some facts that bear on sentencing either will not be discovered, or are not discoverable, prior to trial. For instance, a legislature might desire that I act in an obstructive manner during trial or post trial proceedings I should receive a greater sentence... I bring this up because of what I did to Chris Webb when he tried to do a PSI on me... and in Abram's letters to me that he ~~is~~ thinks I should "go along" with the judge's wishes or he will somehow sentence me to more incarceration than if I just "go along" with the judge's PSI(s). As to the State wanting to make such facts relevant at sentencing, the State must meet sufficient discretion in the judge to account for those facts or bring a separate criminal prosecution for obstruction of justice. Also, my obstructive behavior must be so severe as to constitute an already-existing separate offense, unless the legislature is willing to undertake the unlikely expense of criminalizing relatively minor obstructive behavior. * As to Abram's motion to sever that was granted during trial: ask Abram if that means (severance) the severed charge(s) may result in a separate criminal prosecution... that ^{choice} might not be available - a separate prosecution, because if it (separate prosecution) is for an aggravated offense, it would likely be barred by the Double Jeopardy Clause.

Title 18 U.S.C.A. § 3553(b)

July 20-05

3 copies Front No Back a 3

directs that a court shall impose a sentence of the kind, and within the range" established ^{by the} Federal Sentencing Guidelines, subject to departures in specific, limited case...
 * The effect of the increasing emphasis on facts that enhanced sentencing ranges, however, was to increase the judge's power and diminish that of the jury... As the enhancements became greater, the jury's finding of the underlying crime became less significant... the jury in my case convicted me of the least (G) class felony sending the court the message that I would not have caused bodily harm to the Royal Farm's employees, that I was showing them (the employees) their mistakes in not allowing me use of their rest rooms. So, as it thus became clear that sentencing was no longer taking place in the tradition that Justice Brandeis invokes... the new sentencing practice... found in Jones, developed in Apprendi and subsequent cases culminating with Blakely. These decisions are recent examples of the need to preserve Sixth Amendment substance. — Jury ³⁴⁽¹⁾
 230 JK 34(1) Most Cited Cases

the Constitution gives a criminal defendant the right to demand that a jury find him guilty of all the elements of the crime with which he is charged.

U.S.C.A. Const. Amend. 6.

* As to Graves sentencing of me, there are not no aggravating circumstances because the jury found me guilty of the lesser felonies... but that brings me to mitigating circumstances which means that Graves must impose lesser sentences on me because of the jury's not believing I was a severe threat by the State's attempt to charge me with more serious felonies....

$$\begin{array}{r} 6 \overline{) 1278} \\ 72 \\ \hline 6 \end{array}$$

$$\begin{array}{r} 12 \overline{) 188} \\ 12 \\ \hline 68 \\ 60 \\ \hline 8 \end{array}$$

$$\begin{array}{r} 4.1 \\ 12 \overline{) 49.1} \\ 48 \\ \hline 11 \\ 10 \\ \hline 1 \\ 12 \overline{) 153.4} \\ 120 \\ \hline 33 \\ 30 \\ \hline 3 \\ 12 \overline{) 90.8} \\ 84 \\ \hline 6 \end{array}$$

INMATE TELEPHONE REQUEST FORM

You may select up to five people who are willing to receive your collect calls. Be sure to include the area code for each number. Abuse of telephone procedures may lead to suspension of your telephone privileges and/or disciplinary action.

Please complete the following information completely and neatly. PLEASE PRINT! Change requests can only be submitted once per calendar month. No changes will be made while sanctions are being served. Emergency changes must be made through SOCIAL SERVICES.

INMATE NAME: _____

HOUSING UNIT: _____

INMATE SIGNATURE: _____

DATE: _____

S.B.I. NUMBER: _____

TELEPHONE NUMBER	PARTY CALLED	RELATIONSHIP

PARTY CALLED MUST HAVE A FIRST AND LAST NAME. RELATIONSHIP SHOULD INDICATE BROTHER, SISTER, FATHER, MOTHER, FRIEND, ETC.

NOTE: The five numbers listed above will be the five numbers you can call.

July 23, 05 - Date I am copying this - 74 Del. Laws

3 copies
Front + back

Delaware State Senate

142nd General Assembly - Senate Bill 50

(Show Abram)

SB 50 1D

① - Section 3. Amend 4204 of Title 11 of the Delaware Code by redesignating subsection "(m)" thereof as subsection "(n)", and by adding a new subsection "(m)" thereto, to read as follows: A violation of any order issued pursuant to this subsection shall be prosecuted pursuant to 11 Del. C. § 1271. Any such prosecution pursuant to 11 Del. C. § 1271 shall not preclude prosecution under any provision of this ~~title~~ Code.

* Del v. Moore 49 Del. 29, 108 A. 2d 675 (1954)

« Judge should have an accurate and complete character study of me to impose sentencing... three sources are: Members of the defendant's family, my employers + members of the community, private + official.

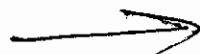
* Jones v. United States (526 U.S. 227, 119 S. Ct. 1215) 1999

Read 4 Blackstone 238-239 - State v. Bennet, 3

Also: A. Scott, Criminal Law in Colonial Virginia 27-28 103-106 (1930)

Brevard 515 (S.C. 1815)

— "Even in this system, however, competition developed between judge + jury over the real significance of their respective Roles.... severity of sentences was indirectly



2) Checked by juries' assertions of a mitigating power when the circumstances of a prosecution pointed to ^{political} abuse of the criminal process or endowed a criminal conviction with particularly sanguinary consequences... this power to thwart Parliament and Crown took the form not only of flat-out acquittals in the face of guilt but of what today we would call verdicts of guilty to lesser included offenses, manifestations of what Blackstone described as "pious perjury" on the jurors' part.

Pg 11

→ McMillan, Almendarez-Torres v. United States, 523 U.S. 224, 118 S. Ct. 1219, 140 L. Ed. 2d 350 (1998) - "stands for the proposition that not every fact expanding a penalty range must be stated" ^{**} 1227 in a felony indictment, the precise holding being that recidivism increasing the maximum penalty need not be so charged."

* As the enhancements became greater, the jury's finding of the underlying crime became less significant. And the enhancements become very serious indeed. re

* 752 e.g., Jones, 526 U.S. at 230, 119 S. Ct. 1215... Booker, Fanfan, United States v. Rodriguez, 73 F.3d 161, 162-163 (C.A.7 1996)

the above illustrates the need to pre-serve Fifth Amendment substance. (Booker) "the Framers of the Const. understood the threat of 'judicial despotism'

(Graves) that could arise from 'arbitrary punishments upon arbitrary convictions' without the benefit of a jury in criminal cases.

See The Federalist, No. 83, p. 499 (C. Rossiter ed. 1961) (A. Hamilton

* The Constitution gives a criminal defendant the right to demand that a jury find him (me) guilty of all the elements of the crime with which he is charged." 3D

United States v. Gaudin, 515 U.S. 506, 511, 115 S.Ct. 2310, 132 L.Ed. 2d 444 (1995). ←

* I am Constitutionally protected "against conviction except upon proof beyond a ~~reason~~ reasonable doubt of every fact necessary to constitute the crime with which he (me) is charged." In re Winship, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed. 2d 368 (1970).

* 3 Copies - Front *

* Jones v. United States, 526 U.S. 227, 230, 119 S.Ct. 1215, 143 L.Ed. 2d 311 (1999).

— While the jury found me guilty of aggravated menacing, ~~I did~~. * Abram told me the Clerk says he cannot work because of the fear he felt at his confrontation w/me... on the aggravated ~~men~~ menacing conviction... that alleged fear espoused by the Clerk must be a higher penalties provision of agg. men statute, ~~may~~ facts that figure trigger such provisions must be charged by indictment, proven beyond a reasonable doubt, and submitted to jury for its verdict... the indictment made no reference to the allegations by Clerk of his fear, nor did the Clerk, during the trial, state his fears at the time of his confrontation w/me during that confrontation.

Del Judges Code of Judicial Conduct
* 3 copies - Front + back, 1 C

Canon 3-B(3) A judge should initiate appropriate action when the judge becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a judge or lawyer.

(On the morning of my trial, March 28 2005, I asked Mr. Abram if we could speak with Graves re Abram's refusal to file pre-trial motions, I believe I requested of Graves to appoint another conflict attorney and he said no.... I'm sure there is a record of that hearing...)

Canon 3-C(a) -

* Principles of Professionalism for Delaware Lawyers

Principles : 5. Appeal - A lawyer should take an appeal only if the lawyer believes in good faith that the Court has committed error, or an appeal is otherwise required.

Mike Abram
I should ask him

* Professional Conduct Rules of Del Lawyers

* April 12 - I saw Mike Abram in hall, coming from medical, he said I would probably get no level V time at sentencing and he said he didn't see any merits to appeal. These are my merits to appeal:

no to raise in support of appeal

- (1) Abram was ineffective for not filing one pre-trial motion in our behalf... ↑ ↑ ↑
- (2) When we (Mike + I) told Graves in pre-trial discussion, Graves saw no merit in granting me another lawyer, trial went on, anyway.

① C

*Look at Attorney's Professional Respons.

☐ *Get Margaret Naylor's stuff copied + notarized by Diane.
☐ = DONE DEAL (10)

I wish to appeal, look up?

☐ Letter to Gill copied (10)

☐ Get letters from Mike Abram to me, copied (10)

* ATTORNEY Professional Responsibility

* Appeal

Jack Sines - act Director
↓
Jim Lupinetti
Internal Affairs (DOC)
245 McKee Rd
DOVER, DE 19904

Handwritten notes and arrows: A large 'X' is drawn over the word 'Appeal'. An arrow points from 'Appeal' to the contact information for Jack Sines. Another arrow points from the contact information to the list of charges below.

① Aggravated Menacing

Del 11 0602 000 BFE 0-5

②

Resisting arrest - 11 Section 1257 0-1yr

③ Criminal Tres 3rd - " " " 821 0-1yr

22
25

118

44

Prints to raise in support of Appeal - April 12-85

* 3 copies - Front only

(3) of the 9 or 10 subpoenas for State's witnesses for trial, the ones that were in discovery were (2) ^{3 copies - No back}

(1) Alleged victim - Letey Hudson

(2) Alleged clerk on duty at 7-11 where illegal arrest happened. She might not have been in discovery.

(3) Alleged victim's witness - Wayne Abbott. At trial Letey Hudson and Wayne Abbott could not agree if knife was opened or it wasn't opened.

(4) The Royal Farm's Store's manager (don't know his name) said I held a closed knife in the air in the store and waved it about - Letey said it was open - that is conflict... the tape doesn't show either way... the store had 7 or 8 cameras with different views of alleged incident, why did they only present the one view of my back + side? the store manager was not mentioned in discovery, therefore we could not prepare a defense to his purported statement. Also, I repeatedly asked Abram to, for me to physically touch and read 7-11's clerk's statements to properly prepare defense... never happened until actual trial... she was not part of discovery, also. She said I caused absolutely no problem in Store until Whitman came up behind me and punched me in the head.

(5) I repeatedly asked Abram to pass 1" inch knife around to jury members so they could see it was falling apart, I could not hurt anybody with it.

(6) Whitman's testimony was bullshit... I don't remember Parson's testimony only that the knife was found in my pocket only after I was taken back to Station... if there was deadly weapon mentioned in 911 why didn't Whitman pad me down for the weapon on the spot?

3 copies
Front only

① Title 11 Section 4204 ✓

② 11 Del. C § 1271 * 3 copies

③ 11 Del. C § 4333 ✓ Front + Back

④ 11 Del. C § 4201

① A

July 16-05

* 3 copies
Front + Back

* 11 Del. C § 4204 subsection "(m)" + subsection "(n)"
are ambiguous in their being read as follows:

"(n)" As a condition of any sentence, and regardless of whether such sentence includes a period of probation or suspension of sentence, the Court may order the offender to engage in a specified act or acts, or to refrain from engaging in a specified act or acts, as deemed necessary by the court to ensure the public peace, the safety of the victim or the public, (allow me to point out) the jury at my trial of March 28, 05, in finding me guilty of aggravated menacing, which is a much lower class of violent felony than the other 3 violent felonies I was indicted on by the grand jury (the aforementioned 3 high class felonies were not considered in my trial by the jury because the State granted severance of those felonies, nolle prosequi of the felonies, and/or the jury found me not guilty of those more serious violent felonies). — On to Section 4 of SB 50.

Amend Section 4333 of Title 11 of the Delaware Code ~~to~~....
the following:

Subsections (a), (b), (c) + (d)... (d) says "the limitations set forth in subsection (b) and (c) of this section (Section 4, Section 4333) shall not apply."

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3 copies
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(2) to any sentence imposed in 11 D.C.:
 § 761 if the sentencing court determines on the record and by a preponderance of the evidence that a longer period of probation or suspension of sentence will reduce the likelihood that the offender will commit a sex offense or other violent offense in the future;

(2) to any sentence imposed for any Title 11 violent felony as designated by §4201(c) of this Title if the sentencing court determines on the record and by a preponderance of the evidence that public safety will be enhanced by a longer period of probation or suspension of sentence; or - my record will

(3) ~~this says~~ not and cannot allow Graves to
"enhance" my probation and/or suspension of sentence to a longer period of probation or suspension of sentence for the unquestionable fact that the jury of March 28, 2005 found me not guilty of the more violent, the more serious, the higher classes of felonies... Graves ~~may~~ may attempt to enhance my probation and/or suspension of sentence and in that decision he will lose my appeal based on the facts that Graves (he) abused his judicial sentencing authority by violating (his) the intentions of SB 50. Graves may also attempt to enhance my probation and/or suspension of sentence by incorrectly burdening me as a public safety nuisance... again, the jury's ~~did not~~ verdict does not support Grave's possible ^{Enhancements in my} upcoming

* 3 copies

Front + Back

3

3 copies Front + Back

sentencing hearings on trial guilty verdicts and

VOP sentencing the same day. I must tell Abram

to file a motion to clean up the Pre-sentence

Investigation Report (PSI) so I may make a record

in the trial court of the possible objections which I

may have to the information Graves (or any Judge) will

utilize to impose sentences on me. As shown by

Alison Stevens Pre-trial Services Report to the judge,

it is oftentimes the government's practice to insert in their (gov't)

Pre-trial and PSI's derogatory information, erroneous

informations concerning my alleged activities. Activities

that were not produced at trial or admitted in a plea agreement.

For twenty years, the government has been able to obtain

convictions during a trial, but then increase the punishment

of convicted defendants (possibly me at my sentencing hearing

upcoming), based on allegations + information that were

never produced at a trial, or admitted in plea agreements.

When and if Graves sentences of me violate SB 50 1/2

synopsis authored by Senator Vaughn, in which

SENTAC will be directed to develop new sentencing

guidelines to ensure probation will not be used spec-

sively. When, and if, Graves abuses his authority and

SB 50 and SB 150, and should he (Graves) inflict punishment

that the jury's verdict alone does not allow, the

jury has not found all the facts "which the law makes

essential to the punishment"; I may then rely on Blakely v.

Washington, 124 S. Ct. 2531, 2537 (2004).

-4-A

Blakely clarifies what is meant by the term
Statutory maximum sentencing practices.

United States v. Booker, 2005 U.S. LEXIS 628 (Jan. 12, 2005)

and Blakely rules say that every fact
used to increase my statutory maximum sentences
must be either reflected in my jury verdict or
admitted. If Graves abuses his authority, he will,
and may, violate my rights under the Sixth
Amendment and I may be eligible for re-
lief under appeal, using Booker and for
that relief. Also, see Jones v. United States, 526 U.S.
227 (1999)

See U.S. v. Patrick Donovan, 03CR30053 (W.D. VA
2004)

*Also, as to Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348,
147 L.Ed.2d 438 (2000)

the Sixth Amendment says that 'any fact that increases the
penalty for a crime beyond the prescribed statutory maximum must
be submitted to a jury!'

To: Michael Abram Copg / Aug 2, 05

Date/Time

Inmate's Name

D.O.B.: / /

From: Charles F. Cardone (1) Case No. 0201021864

RE: APPEALS " " 0409005091

* I am advising you (Abram) and the Court (Graves) that I am severely limited in my capacity to gain access to DCC law library writing materials, (thus, this form sheet).... I was transferred to:

State of Delaware
 Department of Correction
 Delaware Correctional Center
 1181 Paddock Road
 Smyrna, Delaware 19977

* Sent to Abram
 Certified on
 Aug 7, 05

from SCT on the 23rd of May, 2005. The reason, or reasons, for my transferral will become obvious in the future. I am being denied timely access to the previously stated to curtail, hinder, deny, to me my constitutional rights to Due process in the above case numbers, ... and, I will now quote you from 2 of your letters to me, Mr. Abram, in support of my attempts to fire you after you docket my appeal in the above case #s as per Supreme Court Rules 26 and any other rule of the Court pursuant to these appeals:

1. I have a July 26, 2005 ^{letter} from you which, by no stretch of my imagination, "attempts to answer all of your (my) concerns... in this letter of yours, you manage to come up with

Date & Time

Provider Signature & Title

4 more reasons for us to inform Graves "that a new attorney for your (my) appeal should be appointed".... this quote is taken from your May 3, 2005, letter to me. Returning to your July 26, 2005, letter to me allow me to quote you, again, in #2 of your attempt to answer all of my concerns you state "I do not (you, Abram) represent you (me) on this matter so I will not file anything regarding this case."... you continue to illustrate your incompetence by statements such as that. At this point I wish you to initiate our appeals and/or Notice of Appeals in my current situation. One final request per this letter: To affect a knowledgeable basis(s) for our appeal, allow me to quote from Graves's June 2, 2005, letter to

The below area is for medical use only. Please do not write any further.

Date

Inmate Signature

me: "After you (Charles Carbone) are sentenced, if you appeal your conviction(s), then transcripts will be provided to your (me) attorney at State expense." Yes, I wish transcripts of every proceeding of the circus that Paula Ryan Graves and yes, you also

Date Submitted

SBI Number

Date of Birth

Housing Location

Name (Print)

Abram, et al have orchestrated against me. cfc
8-7-05

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH
FACILITY: DELAWARE CORRECTIONAL CENTER
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
DELAWARE DEPARTMENT OF CORRECTIONS

Transcripts of Pre-lim, arraignment, motion to withdraw
for Carbone trial (including all sidebar) and finally sent

AGGR Menacing - I 504-09-0292-TIS

Effective July 29, 2005 : 5 years at Level 5

x Jury found me not guilty of deadly weapon charges
~~He Graves when he sentenced me to the max of 5 years~~
~~he illegally violated my 6th Amendment~~

therefore jury decided the deadly weapon (knife)
 that was introduced at the trial by the state was not
 a deadly weapon... ~~Graves expected this~~ therefore
 my reviewing court will reverse Graves' exceptional
 sentence of 5 years : Criminal Law Ann 1158(1)

110K1158(1) Most cited cases

So, because Graves enhanced my sentence be-
 cause he violated my 6 Amendment right, and,
 because the jury found me guilty (mistakenly)
 of aggr men, Graves could not sentence me to
 the max 5 years on 11-602(b) Aggr men. (display
 because, other than the fact of deadly weapon)
a prior conviction, ~~the~~ the jury erred in finding
 me guilty of 11-602(b) - Sentencing and Punishment
Ann 322

350 HK 322 Most cited cases

So, because jury found me not guilty of deadly
 be displayed by me and was neither
 admitted by me (defendant) nor found by jury

Blakely v. Washington
 June 24, 2004

1.S.C.A. Const. Amend. 6; West's RCWA
 9A.40.030 (1); 9.94A.120(a)
 9.94A.125, 9.94A.320 = (2000); 10.99.02 d3 (P)
 (2003)

Aug 8, 05

Pg 1 of 1

Law Office of Edward C. Gill, P.A.

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

August 8, 2005

Charles F. Cardone
Department of Corrections
1181 Paddock Road
Smyrna, Delaware 19977

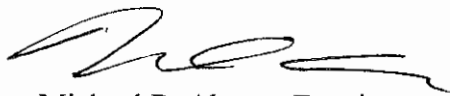
Re: State of Delaware v. Charles Cardone

Dear Mr. Cardone:

Please find enclosed copies of the Sentencing Orders issued by the Court for your violation of probation and your new criminal charges. Per the sentence, if you complete the Greentree program you will be released to level 4 home confinement. If you wish to appeal your conviction, please contact me and I will file a Notice for Appeal. The appeal time runs 30 days from the date of your sentence. Therefore, a Notice of Appeal must be filed on or before August 29, 2005.

If you have any additional questions or concerns, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,



Michael R. Abram, Esquire

MRA/slw

* the sentencing orders do not state what abram states is this letter. Why is this?

6 copies c/c
10-11-05
* Orders do not say this... after Greentree, I go to Crest, then ~~home~~ release... why does he not understand? I don't + Crest 3 months, then 3 months would release?

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

:

v.

:

CA Nos: 0409005091A

CHARLES F. CARDONE

:

I.D. No. 00098159

APPLICATION FOR EX PARTE PAYMENT OF TRANSCRIPT FEES

NOW COMES the Defendant, Charles F. Cardone, and respectfully represents:

1. That he is indigent.
2. That current counsel was appointed by this Court to represent the Defendant.
3. That there has been no substantial change in Defendant's financial circumstances since the time counsel was appointed to represent him in Superior Court.
4. That Defendant requests a transcript from the Motion hearing and trial held on March July 28, 2005, and the sentencing hearings held on May 12, 205 and July 29, 2005.

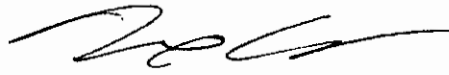
WHEREFORE, Defendant, Charles F. Cardone, respectfully prays that the State pay for the cost of the transcript in the above-captioned case to be paid promptly at public expense.

#4 - my clarification & designations re transcripts are in my enclosed letter to Judge Groves dated Aug 28, 05. Cfr - Defendant

3b

3 copies

LAW OFFICE OF
EDWARD C. GILL, P.A.



Michael R. Abram, Esquire
Attorney for Defendant
P.O. Box 824
Georgetown, DE 19947
(302) 854-5400

DATED:

SO ORDERED this _____ day of _____, 2005.

Judge

AFFIDAVIT OF MAILING

46-(46)
3 copies


STATE OF DELAWARE *

COUNTY OF SUSSEX *

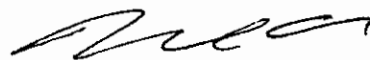
BE IT REMEMBERED that on this 26th day of August, A.D. 2005, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Sharon Williams, Secretary for the Law Firm of Edward C. Gill, P.A., and being duly sworn according to law deposes and says that she forwarded a copy of: **Application for Payment of Transcript Fees**

To: Official Court Reporter
Superior Court
The Circle
Georgetown, DE 19947

by United States Mail with postage prepaid.


Secretary

SWORN TO and SUBSCRIBED before me the day and year aforesaid.



Notary Public
Michael A. Abram
Attorney At Law
Notary Authority
Per 29 Del. C. Sec. 4323 (a) (3)

AFFIDAVIT OF MAILING

STATE OF DELAWARE *

COUNTY OF SUSSEX *


4a-(4a)
3 copies

BE IT REMEMBERED that on this 26th day of August, A.D. 2005, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Sharon Williams, Secretary for the Law Firm of Edward C. Gill, P.A., and being duly sworn according to law deposes and says that she forwarded a copy of: **Directions to the Court Reporter**

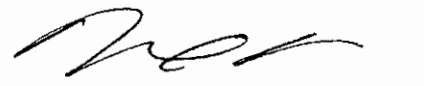
To: Paula T. Ryan, Esquire
Department of Justice
114 East Market Street
Georgetown, Delaware 19947

Official Court Reporter
Superior Court, Sussex County
The Circle
Georgetown, Delaware 19947

by United States Mail with postage prepaid.


Secretary

SWORN TO and SUBSCRIBED before me the day and year aforesaid.


Notary Public
Michael R. Abram
Attorney At Law
Notary Authority
Per 29 Del. C. Sec. 4323 (a) (3)

To: Michael Abram, Esquire
 Attorney for Defendant
 Below Appellant

Front + back

Aug. 28, 05

123

3
 30 copies, front
 + back.

RE: Our Notice of Appeal received by me, Charles Z. Cardone on the above date.... the following stipulations are to be noted by the Supreme Court of the State of Delaware and the Superior Court of the State of Delaware in and for Sussex County

Sir: In our Notice of Appeal dated 8-26-05, which I just received this date, Aug. 28, 05, I wish to include my sentencing of my Violation sentencing hearing on July 29, 05, the same date and time (actually, Judge Graves held one sentencing that included my jury trial conviction and my VOP sentencing hearing on the same date, same hearing). The Criminal Action Numbers for the VOP part of this hearing is: V502-02-0394-01 and V502-02-0391-01... include these VOP case numbers with Case No. IS04-09-0292, IS04-09-0296 and IS04-09-0741 in our notice to appeal. Please take further notice that in your designation for transcripts you cite Rule 7(c)(6) and 9(e)(2). I have 3 letters, copies of which I sent you, via certified and registered mail, unequivocally requesting you to include in our Notice of Appeal my sincere desire that you request transcripts of "all proceedings (Pre-liminary hearing transcripts, arraignment, Motion to Withdraw hearing held in front of Graves on Dec. 3, 2004, with Public Defender Calloway

(En't)

→

and me present, my trial transcripts to include pre-trial hearing of March 28, 2005, with me, you and Graves,

~~CONFIDENTIAL~~

~~and I may inform~~ Graves of your where I related to

ineffectiveness as my Court appointed attorney... and to include the numerous side bars at my trial). I've also stated in several registered letters to you (which you have not had the minimum standards of professional care, or competence, ~~to~~ or civility to respond to) once you have fulfilled your statutory obligations under 10 D.C.-147, Rules 6, 7, 9, 26, et.al., re Appeals, submit your motion to Withdraw with the expectation that Graves will grant your withdrawal so I may have, in the interest of justice, Graves appoint another attorney to advise me and/or represent me. — Returning to those 3 letters I previously mentioned, allow me to quote from the June 2, 2005 letter from Graves to me: "After you (me) are sentenced, if you appeal your conviction, then transcripts will be provided to your (my) attorney at State expense." I take that to mean all the transcripts of all hearings, that I insist on having, to effect a proper set of appeals.

Charles F. Carbone

- Please advise as to Supr. Ct Rule 26 (i) Advise client...
- When you receive transcripts, promptly send me copies here at DCC (Smyrna prison). cfe

cc: Superior Ct
Supreme Ct
Paula Ryan, Dept of Justice

8-28-05

To: Judge Graves

3 copies
Front + Back

Aug 28, 05

(27) 3-26-1982

RE: This letter is a copy of my letter to Michael ~~Graves~~ Abram, Paula Ryan, and the Supreme Court of Delaware with stipulations I have made re my appeal of your sentencing of me on July 29, 05...

10-13-05

Keep this for records

Sir:

In Michael Abram's Notice of Appeal dated 8/26/05 in the Supreme Court of Delaware, he asks the Supreme Court to take notice that "Appellant (Charles Carbone) hereby designates the transcript in the following manner: "Mr. Abram cites Rule 7(c)(6) and 9(e)(2) pursuant to Supreme Court Form C." I wish to clarify the above and designate, again, what I have requested of Mr. Abram, repeatedly, and in correspondence with Mr. Abram via certified mail, that I want complete transcripts of my pre-liminary hearing, my hearing in front of you (Graves) and Callaway re his Motion to Withdraw as my public defender, my complete trial transcripts (to include voir dire, the actual trial with the numerous side bars and finally my sentencing hearings on July 29, 05 of jury's convictions and violation of Probation sentencing hearing held on that same date (July 29, 05) in front of you (Graves). If you deny me copies of the above transcripts, because of my indigency, if you deny me complete transcripts I have requested above,

En't +) →

in violation of my due process guarantees, let me state that, if need be, I will borrow monies to pay for full and complete transcripts of all hearings concerning my Case number 0409005091 A.

Charles F. Cardone

cc: Paula Ryan, Dept of Justice
Supreme Ct, Del.

Pg 2 of 2

Aug 28, 05

Letter from
Cardone to Frances

B. Jones

10-13-05

SUPREME COURT OF DELAWARE

Pg 203

CATHY L. HOWARD
Clerk

AUDREY F. BACINO
Assistant Clerk

DEBORAH L. WEBB
Chief Deputy Clerk

LISA A. SEMANS
Senior Court Clerk

DEBRA J. ZATLOKOVICZ
Senior Court Clerk

Eileen Kimmel
Chief Court Reporter
Superior Court
Sussex County Courthouse
The Circle
Georgetown, DE 19947

August 29, 2005

6 copies cfc
10-9-05

#4

SUPREME COURT BUILDING
55 THE GREEN
DOVER, DE 19901

P.O. BOX 476
DOVER, DE 19903

(302) 739-4155
(302) 739-4156
(302) 739-8091

(b)

RE: **Charles F. Cardone v. State**, No. 397, 2005
(Cr.ID No. 0409005091A)

Dear Ms. Kimmel:

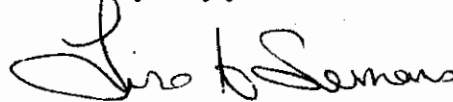
The notice of appeal was filed in the above captioned matter on August 26, 2005. The appropriate Court Reporter was served with the designation of transcript on August 26, 2005.

Pursuant to Supreme Court Rule 9(e)(iv), the transcript must be filed with the Prothonotary no later than **October 11, 2005**. If the transcript is not filed by the above date, you must seek an extension from the Court and state the reasons for the delay in the transcription. Any such request for an extension must be specific as to the day the transcript will be filed.

If an additional transcription order is received under Supreme Court Rule 9(e)(iii), you will be advised accordingly as to the date by which the transcript is to be filed.

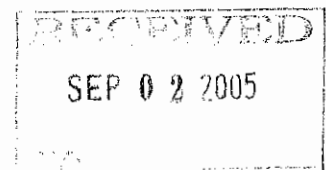
If you have any questions, please contact me at your convenience.

Very truly yours,



/eas

cc: Michael R. Abram, Esquire
Kim E. Ayvazian, Esquire
Prothonotary, Sussex County



IN THE SUPREME COURT OF THE STATE OF DELAWARE

397 , 2005

M. R. ABRAM

CHARLES F. CARDONE,
Defendant Below,
Appellant,
v.

P. T. RYAN

STATE OF DELAWARE,
Plaintiff Below,
Appellee.

DF \$ 00.00

2005

- 1 Aug 26 Notice of appeal from the Order dated 7/29/05 in the Superior Court in and for Sussex County, by Judge Graves, in Cr.ID No. 0409005091A, with designation of transcript. (served by mail 8/26/05) (clh)
- 2 Aug 26 Directions to court reporter of proceedings below to be transcribed pursuant to Rule 9(e) by appellant. (no service shown on court reporter) (clh)
- 3 Aug 26 Application for waiver of docket fees by Michael R. Abram, Esquire. (served by mail 8/26/05) (clh)
- 4 Aug 29 Letter dated 8/29/05 from Senior Court Clerk Eileen Kimmel, transcript is due to be filed by 10/11/05. (eas)

Pg 3 of 3
6 copies cfr
10-9-05 (c)

LWA A. Semans and

9-15-05

Cathy Howard - Clerk - Supreme Court of Delaware

RE: Charles F. Cardone, No. 397, 2005
(Cr.ID No. 0409005091A and 0201021864)

Dear Ms. Howard:

I have just received Ms Semans letter to Ms Kimmel dated August 29, 2005 from my court appointed attorney, Michael R. Abram just recently. In Mr. Abram's directions to the court reporter re designation of transcript dated August 26, 2005, Mr. Abram designates, to be transcribed, (a) Motion Hearing and Trial held on March 28, 2005.

(b) Sentencing Hearings held on May 12, 2005 and July 29, 2005....

of the proceedings in State of Delaware v. Charles F. Cardone, criminal action numbers IS04-09-0292, IS04-09-0296 and IS04-09-0741 in Superior Court in Georgetown. — I wish to advise the Supreme Court of Delaware of my repeated notifications to Mr. Abram, Judge Graves, and the Supreme Court of Delaware (re appeals) that I have requested Mr. Abram to obtain full and complete transcriptions of all proceedings from my preliminary hearing to sentencing hearings (trial conviction and Violation of Probation hearing held at the same time, same date). I am, and have been, requesting these transcriptions because Mr. Abram has not, (to this date) notified me what we are to base our appeal (s). — As the defendant, I have the burden of providing the Court with transcripts so the Court has a fair and accurate account of claims (my) of error of which I am saying occurred. See: Tricoche v. State, 525 A.2d 151 (Del. 1987).

Sincerely,
Charles F. Cardone
SBI #098159
DCC-SHU(19)B8L

Case 1:06-cv-00127-KAJ Document 9-4 Filed 04/14/2006 Page 24 of 69
Pg 1 of 3: ~~sent to H. Brown - keep this copy.~~ Sept 28, 05 (H)
- 6 copies 10-11-05 -
your denial of your motion to withdraw, by B

Braves, was a given... you did not fulfill your
"continuing obligation of and representation by counsel"
as stated in Rule 26(a) of the Supreme Court of the
State of Delaware. ~~you now have a duty to~~
~~prosecute this appeal.~~ ~~Do you see merit to~~
~~this appeal?~~ Will you, now, send me

a letter stating your intentions re our appeal!

Also, I am asking for your response to my re-
peated requests to have transcripts for all court
proceedings of our C.R.I.D No. 0409005091A

to include my preliminary hearing and all subsequent
hearings and trial transcripts (to include numerous side
bars... ^{Does} Ingram v. Heiman, 748 A.2d 913 (Del. 2000)
(24) 3-8-06

support my request? — As to your August 8, 2005,

letter to me, you state "Per the sentence, if you
complete the Greentree program you will be released

to Level 4 home confinement." ... ~~yes, that sentence is~~
~~for case # 0409005091A. As to case # 0201021864,~~
my order ~~does not~~ state that. My order states

5 years at level 5... upon successful completion at level 5 Greentree Program, balance of sentence is suspended for 5 years level 3. Greentree Program is approx 18 months, then factor in a ~~was~~ waiting time of 6-12 months... that comes to 30 months of a 60 month sentence. That is just for Aggr. Menacing... let's go on to VOP sentence Order... 8 years at level 5, upon successful completion at Level 5 Greentree Program balance is suspended for balance to be served at Level 4 Residential Subst. Abuse Treatment, upon successful completion at supervision level 4 Residential Subst. Abuse Treatment Prog... then level 3 afterwards, hold at level 5 until level 4 Residential Subst. Abuse Treatment prg. that does not sound like 14 years at Level 5, susp for completion of Greentree, then level 4 home confinement to me. That sounds more like if I don't complete Greentree and level 4 Residential Subst. Abuse Prg, I am looking at 14 years at level 5. If a Correctional officer comes into work

* Sept 21, 05 letter to abram by cfe. Pg 2 of 3

Sept-21-05

one day, if a counselor comes into work one day ⁽²³⁾ and decides to toss me out of these court ordered programs, I could be looking at the balance of the 14 years at level 5. then you ask me if I wish to appeal.... the answer is obvious. yes, I wish to appeal jury conviction and VOP sentence by Graves. I guess that is it for now, please respond. ^B

Charles J. Cardone SBI #098159

Sent to Abram, by regular mail on this date

6 copies

10-11-05

(24)

3-B-Db

Pg 3 of 3

SUPREME COURT OF DELAWARE

CATHY L. HOWARD
Clerk

AUDREY F. BACINO
Assistant Clerk

DEBORAH L. WEBB
Chief Deputy Clerk

LISA A. SEMANS
Senior Court Clerk

DEBRA J. ZATLOKOVICZ
Senior Court Clerk

September 26, 2005

Michael R. Abram, Esquire
P.O. Box 824
Georgetown, DE 19947

6 copies cfc
10-9-05
Pg 1 of 2

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DOVER, DE 19903

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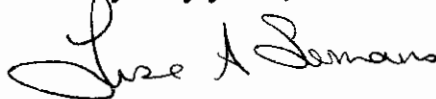
RE: *Cardone v. State*, No. 397, 2005

Dear Counselor:

Enclosed is a copy a letter from Charles Cardone, in the above-captioned matter. The Court has directed me to provide you with a copy of Mr. Cardone's letter for appropriate disposition. Please contact Mr. Cardone and advise him that all future correspondence to the Court on his behalf should be through you as his attorney.

By copy of this letter, I am informing Kim Ayvazian, Esquire, of the Department of Justice, of the Court's action regarding Mr. Cardone's letter. I am providing Ms. Ayvazian with a copy of Mr. Cardone's letter for informational purposes only. The Court will take no further action regarding Mr. Cardone's letter.

Very truly yours,



Enclosure

/eas

cc: Mr. Charles Cardone
(with copy of docket sheet)
Kim Ayvazian, Esquire
(with copy of Mr. Cardone's letter)

IN THE SUPREME COURT OF THE STATE OF DELAWARE

397 , 2005

M. R. ABRAM

CHARLES F. CARDONE,
 Defendant Below,
 Appellant,
 v.

P. T. RYAN

STATE OF DELAWARE,
 Plaintiff Below,
 Appellee.

DF \$ 00.00

2005

- 1 Aug 26 Notice of appeal from the Order dated 7/29/05 in the Superior Court in and for Sussex County, by Judge Graves, in Cr.ID No. 0409005091A, with designation of transcript. (served by mail 8/26/05) (clh)
- 2 Aug 26 Directions to court reporter of proceedings below to be transcribed pursuant to Rule 9(e) by appellant. (no service shown on court reporter) (clh)
- 3 Aug 26 Application for waiver of docket fees by Michael R. Abram, Esquire. (served by mail 8/26/05) (clh)
- 4 Aug 29 Letter dated 8/29/05 from Senior Court Clerk to Eileen Kimmel, transcript is due to be filed by 10/11/05. (eas)
- 5 Aug 29 Certificate of service of directions upon the court reporter on 8/29/05 by mail by appellant. (eas)
- 6 Sep 02 Copy of order dated 9/1/05 by Judge Graves, approving appellant's Application for Ex Parte Payment of Transcript Fees. (eas)
- 7 Sep 20 Letter dated 9/15/04 from Charles Cardone, regarding his appeal. (eas)
- 8 Sep 26 Letter dated 9/26/05 from Senior Court Clerk to Michael Abram, Esquire, forwarding Mr. Cardone's letter for appropriate disposition. (eas)

6 copies c/c
10-9-05 Pg 282
Letter to Abram from
SEmans re Cardone
(ME)
Sept. 26, 05

SUPREME COURT OF DELAWARE

Pg 1 of 2

CATHY L. HOWARD
Clerk

September 29, 2005

AUDREY F. BACINO
Assistant Clerk

DEBORAH L. WEBB
Chief Deputy Clerk

LISA A. SEMANS
Senior Court Clerk

DEBRA J. ZATLOKOVICZ
Senior Court Clerk

#10
SUPREME COURT BUILDING
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DOVER, DE 19901

P.O. BOX 476
DOVER, DE 19903

(302) 739-4155
(302) 739-4156
(302) 739-8091

to 6 copies of
10-9-05

(a)

Michael R. Abram, Esquire
P.O. Box 824
Georgetown, DE 19947

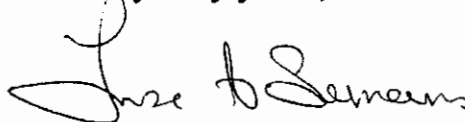
RE: *Cardone v. State*, No. 397, 2005

Dear Counselor:

Enclosed is a copy a letter dated September 22, 2005 from Mr. Charles Cardone, in the above matter. The Court has directed me to provide you with a copy of Mr. Cardone's letter for appropriate disposition. Please contact Mr. Cardone about his letter and advise him that all future correspondence to the Court on his behalf should be through you as his attorney.

By copy of this letter, I am informing Kim E. Ayvazian, Esquire, of the Department of Justice, of the Court's action regarding Mr. Cardone's letter. I am providing Ms. Ayvazian with a copy of Mr. Cardone's letter for informational purposes only. The Court will take no further action regarding Mr. Cardone's letter.

Very truly yours,



/eas

Enclosure

cc: Michael R. Abram, Esquire
(with copy of docket sheet)
Kim E. Ayvazian, Esquire
(with copy of Mr. Cardone's letter)

397 , 2005

M. R. ABRAM

CHARLES F. CARDONE,
Defendant Below,
Appellant,
v.

P. T. RYAN

STATE OF DELAWARE,
Plaintiff Below,
Appellee.

DF \$ 00.00

2005

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- 4 Aug 29 Letter dated 8/29/05 from Senior Court Clerk to Eileen Kimmel, transcript is due to be filed by 10/11/05. (eas)
- 5 Aug 29 Certificate of service of directions upon the court reporter on 8/29/05 by mail by appellant. (eas)
- 6 Sep 02 Copy of order dated 9/1/05 by Judge Graves, approving appellant's Application for Ex Parte Payment of Transcript Fees. (eas)
- 7 Sep 20 Letter dated 9/15/04 from Charles Cardone, regarding his appeal. (eas)
- 8 Sep 26 Letter dated 9/26/05 from Senior Court Clerk to Michael Abram, Esquire, forwarding Mr. Cardone's letter for appropriate disposition. (eas)
- 9 Sep 29 Letter dated 9/22/05 from Charles Cardone to Clerk, regarding his appeal. (eas)
- 10 Sep 29 Letter dated 9/29/05 from Senior Court Clerk to Michael Abram, Esquire, forwarding Mr. Cardone's letter for appropriate disposition. (eas)

6 copies clh
10-9-05 Pg 282
(K) Letter to Abram from
SEmans re Cardone
(MEI)
Sept 29, 05

Law Office of Edward C. Gill, P.A.

16 N. BEDFORD STREET
P.O. BOX 824
GEORGETOWN, DELAWARE 19947-0824

EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

October 3, 2005

Charles F. Cardone
Department of Corrections
1181 Paddock Road
Smyrna, Delaware 19977

Re: State of Delaware v. Charles Cardone

Dear Mr. Cardone:

I have received your letter dated September 21, 2005 and this is my response. Per your request to have transcripts made available for every step of the proceedings, I expect the court reporter to do their job and provide a complete transcript. If they fail to do so, I will then petition the court for the full transcript. Until I receive the transcript I cannot ask for them to provide anything. When I get the transcript I will send you a copy and you together we can figure out if anything is missing.

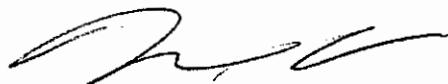
Regarding your sentence, you are correct that if you do not complete the sentence as given you can be subjected to a lengthy level 5 sentence if as you put it they have a "hair up their asses". However you are not serving this sentence for "pissin" in public, you are there for your conviction for pulling a knife on a clerk. The other incident in no way facilitated this sentence.

Why was the clerk allowed to state she did not see me piss, and then why did she call R.B.P.D. and tell them I did piss, why wasn't she included in discovery?

Regarding your question about what grounds we will appeal on, it will depend on the context of the transcript. After getting a copy of the transcript and reviewing it, I will discuss the matter with you about how we shall proceed. Until then write down all of your ideas and wait for the transcript to see how we may be able to prove them. Until I have a transcript I will not evaluate your potential claims.

If you have any additional questions or concerns, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,



Michael R. Abram, Esquire

MRA/slw

His letter is dated 10-3-05, it arrived and was received at DCC on 9-

To: Michael R. Abram

Oct. 9, 05

Case # 0409005091

6 copies of Pg 1 of 2
10-9-05

Sir:

This is in response to your letter to me dated October 3, 2005, in re my September 21, 2005, letter to you per my requests to have transcripts made for every step of our proceedings (Ingram v. Heiman, 748 F.2d 913 (Del. 2000)), and White v. State, 807 A.2d 579 (Del. 2002), you say, in your letter "Until I receive the transcript I cannot ask to provide anything," but, in your Directions to the Court Reporter dated 8/26/05, you direct (not me, Charles F. Cardone) the proceedings in C.R.A. # IS04-09-0292, IS04-09-0296 and IS04-09-0741, to be transcribed as set forth in your directions: (a) Motion Hearing and Trial held on March 28, 2005. (b) Sentencing Hearings held on May 12, 2005 and July 29, 2005.

after I directed you, Judge Graves, and the clerks of Delaware's Supreme Court, in Dover, that I wanted transcripts of every proceeding since my arrest date of September 7, 2004. I requested these transcripts (Pursuant to Case # 0409005091)

via certified mail. — You lied in your motion to withdraw as my attorney in your statement you used in support of that motion, to Judge Graves; you have shown, repeatedly, an inaction to vigorously defend me by the mere fact that we have talked, face to face, for a grand total of $\frac{1}{2}$ hour, 30 minutes, and I am being generous in saying 30 minutes. — Your letter to me, of October 3, 2005, is yet another example of your IAC. —

Proceedings to be transcribed, in their entirety, to be used in appeals of:

State v. Cardone, I.D. No. 0409005091

Cr. A. Nos. 504-09-0291 thru 0293, 0295, 0296 + 0741
and

Case # 0201021864

* What is the difference between a lawyer and a prostitute? A prostitute stops _____ when you die.

Very truly yours,
Charles F. Cardone
SBI # 098159

* the night I allegedly pissed on Royal Farms property the female clerk called cops and told them I pissed on their property (Royal Farms)... When that same clerk took the stand as a witness for the State, she then said she did not see me piss where I pissed. When Paula asked Clerk how did she (witness) know I pissed on the property, Clerk said "it (the piss) wasn't there before I came. That in itself is basis for a new trial. All my charges in the indictment originate in that female clerk's lies as she called Rehoboth Bch PD to report me ^{thus} pissing in public. AT trial, she impeached herself, convictions should be vacated or a new trial is required if her false testimony could in any reasonable likelihood have affected the judgment of the jury.... Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed. 2d 1217 (1959)

* the female clerk, the clerk that called Rehoboth PD about me urinating in public was not part of the indictment, why was she part of my trial? Because she was not part of the indictment, ~~the~~ A brom should have demanded a mistrial because the jury was biased and prejudiced in their verdict... Bringing her in to testify at beginning of trial was a "deliberate deception of a court and jurors by presentation of known false evidence and is incompatible with rudimentary demands of justice."

See Criminal Law 110 (706(2)) } Giglio v. United States
110 K 706(2) Most Cited Cases } No. 70-29.
Formerly 110 K 700 } Cite as 405 U.S. 15

{ When the female clerk called 911, she said she ~~was~~ ^{wasn't} urinated, somewhere, but, when she took the stand she said she didn't actually see me pissin' - -
* This disclosure nondisclosure by Paula Ryan violates due process: the fact that the clerk ~~was~~ and her calling Rehoboth PD to report me urinating in public was not substantiated by that same clerk when she took the witness stand... thus, the State has contrived a conviction through the pretense of a trial which in truth is but used as a means of depriving me of liberty through a deliberate deception of court and jury by the presentation of testimony by her to be perjured. Her (clerk) perjured testimony, knowingly used by the State authorities (Paula) to obtain my conviction, sufficiently charge a deprivation of rights guaranteed by the Federal Constitution, and, would entitle me to be released prison. Mooney v. Holohan, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791.

- A narrative by Charles F. Cardone (me) written on
Oct. 10, 05.

Pg 2 of 2

6 copies
10-11-05

Law Office of Edward C. Gill, P.A.

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EDWARD C. GILL
THERESA McQUAID HAYES (DE, VA)
MICHAEL R. ABRAM

PHONE: 302-854-5400
FAX: 302-854-5409

Pg 2, Pg 3, 4, 5, -

Pg 3-18, 19, he refuses to raise

TO: Charles F. Cardone
DCC - SBI#: 098159
Building 19
1181 Paddock Rd.
Smyrna, Delaware 19977

ENCLOSURE FOR YOUR INFORMATION

Date: October 19, 2005

Re: State v. Cardone

Our File No.: _____

We enclose the following to keep you informed of the progress of this matter:

Transcript of Proceedings dated May 12, 2005

Please contact us if you have any questions.

jc

COPY

1 IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
2 IN AND FOR SUSSEX COUNTY

3 - - - - -x
4 STATE OF DELAWARE : I.D. No. 0409005091A
5 v. : Criminal Action Nos.
6 CHARLES F. CARDONE, : 04-09-0291 thru 0297;
7 Defendant. : 04-09-0741
8 - - - - -x

9
10 T R A N S C R I P T
11 O F
12 P R O C E E D I N G S

13 Sussex County Courthouse
14 Georgetown, Delaware
15 Thursday, May 12, 2005

16 The above-entitled matter was scheduled for
17 hearing in open court at 9:30 o'clock a.m.

18 BEFORE:

19 THE HONORABLE T. HENLEY GRAVES, Judge.

20 APPEARANCES:

21 PAULA T. RYAN, Deputy Attorney General,
22 appearing on behalf of the State of
23 Delaware.

24 MICHAEL R. ABRAM, Esquire, appearing on
25 behalf of the Defendant.

26
27 CHRISTINE L. QUINN
28 OFFICIAL COURT REPORTER

1 P R O C E E D I N G S

2 THE COURT: Mr. Abram, as far as your client
3 being in the courtroom, it is up to you whether you
4 want him here or not here. They are motions. They
5 can be handled without him, but since he is present
6 in the courthouse, it is your pleasure.

7 MR. ABRAM: Your Honor, I think I would — *why?*
8 rather handle the motion without him.

9 THE COURT: Okay. That is fine with me.

10 THE BAILIFF: No. 3 on the calendar is
11 Charles Cardone.

12 THE COURT: I guess we ought to do the
13 recusal first.

14 MR. ABRAM: Yes, that would make the most
15 sense, Your Honor.

16 May I begin, Your Honor?

17 THE COURT: Yes.

18 MR. ABRAM: This is some concern on the part
19 of my client, Mr. Cardone, given some of the letters
20 that he is written and the fact that he did file a
21 complaint against Your Honor with the Supreme Court
22 of the State of Delaware.

23 THE COURT: It is interesting that seems to

1 be dated back in January or February. I haven't
2 heard anything from it.

3 MR. ABRAM: Well, I guess maybe it's my
4 fault to bring it to your attention. — *Bring what?*

5 THE COURT: No, they usually send us
6 something on those.

7 MR. ABRAM: I was not aware of it before the
8 trial. Otherwise, I would have made a motion before *what motion?*
9 the trial. Unfortunately, I wasn't aware of it at
10 that time. I will also put in the letter that he
11 wrote to you, frankly, more offensive towards myself
12 than to you, but he does end his letter, you know, in
13 a rather sarcastic and insulting way towards Your
14 Honor. Given this history of, I guess, application
15 towards the Court, insulting Your Honor, there is
16 some concern about your ability to stay impartial in
17 this case.

18 THE COURT: Counsel, I am not going to

19 recuse myself from the case. I receive letters from
20 defendants all the time, and as I see the letter, I *which one?*
21 don't think he is happy with neither one of us. I
22 don't think he is happy to be convicted, and I
23 appreciate anybody's unhappiness to be in the

1 situation to be incarcerated. But there has been
2 nothing about this case that is any different than
3 any other case that we do.

4 It would be all too easy to judge shop by
5 writing two out of three letters -- two out of the
6 three of the judges in this case, for example, and
7 tell them what they would like in graphic terms and
8 thereby select a third judge. For the same reasons,
9 the fact that he has filed a complaint with the Court
10 of Judiciary, same reason. When people -- the same
11 reason exists. When people sue, for example, Mike
12 Abrams or Steve Callaway in their official
13 capacities, they frequently file complaints with the
14 disciplinary counsel or file some action in the
15 federal court.

16 What I do is basically look at it and make a
17 decision because it is all too easy, again, to get
18 new counsel. I want a real lawyer so I'm going to
19 make complaints against all the lawyers in the P.D.
20 Office and conflict attorneys and this, that, and the
21 other. That's part of the game that is played, and
22 I'm not going to recuse myself because I put in -- I
23 guess I really can't understand because he wasn't

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

*I wrote Graves a
letter explaining
why*

1 happy with Mr. Callaway. I gave him you, and he is
2 not happy with you, and I think he had some choice
3 words about Mr. Callaway.

4 So I have looked at the substance of the
5 letter, which is the complaint. Again, I have not
6 heard anything from the Court of Judiciary. It has a
7 stamp saying they received it back in February, and I
8 am proceeding with the matters that are on the
9 calendar and not recusing. And I don't think there
10 is an appearance if somebody says that the files of
11 the complaint is the judge of the impropriety that
12 creates an opportunity for judge shopping. I think
13 there has to be some substance more than his general
14 complaint about comments that I made to him when he
15 was before me. *After I told him about Baker's beating of me...*

what
does
this
mean?

12/3/04
DEC 3

16 MR. ABRAM: Okay, Your Honor.

17 THE COURT: Okay. Next motion is motion to
18 release the presentence investigation report.

19 MR. ABRAM: Yes, Your Honor. As you are
20 obviously aware, the Presentence Office creates
21 presentence reports for Your Honor to review prior to
22 sentencings. It's the policy of the Presentence
23 Office here per the rules that the State and defense

On June 2004 the Supreme Court issued a decision in Blakely v. Washington, 124 S.Ct. 2531 (2004), having the potential to drastically alter the federal sentencing scheme: the decision struck down the Washington State guideline scheme on Apprendi grounds. On January 12, 2005 the US Supreme Court, in the Booker-Fan Fan decisions the Supreme Court did apply Blakely to the Federal Sentencing Guidelines. Justice Breyer says "the guidelines can no longer be mandatory but advisory". The courts of appeals review sentencing decision for unreasonableness. Whether it be pretrial, sentencing, direct appeal, or collateral review, Abram and I can ~~lose~~ submit arguments based on Blakely, as well as Booker-Fan Fan. Groves gave me 5 years (max) on aggr. mens. based on facts not submitted, proven, by jury's finding me ~~not~~ guilty of PDW... We can pursue appeal based on facts not admitted or proven beyond a reasonable doubt. ~~Instead~~ Jury should not have had aggr. mens. as a lesser included offense...

Request For 6 copies of each Nov. 1, 05

Legal document enclosed, and
6 copies each, Front and back, of DONE-ALL
~~the~~ materials, letters, etc., to be use in support of
 appeals IN RE Case No.s: 0409005091A + 0201021864
 and 6 copies of each Legal document and materials, letters,
 etc., to be used in support of 1983 CIVIL actions:

CA 05-536 KAJ
 Charles F. Cardone +
 SBI #098159 CA 05-600 KAJ.

- 1) 6 copies, Front + back, letter to Lisa Semans - 11-1-05
- 2) 6 copies of CHARGE History record consisting of
 pages 1-15 inclusive. DONE, all
- 3) 6 copies of Pre-trial Services Case Report consisting
 of 3 pages, front only - Sent in 11-1-05

Abraham never told me or allowed me to view it per 32

1 are allowed to review it. They have allowed me to
2 review it. — *I was not entitled to see it*

3 However, the defendant, in this case, has no
4 opportunity to view it. Although, I haven't
5 personally done this, I believe, it's possible to
6 take a defendant into the Presentence Office to
7 review the presentence report there while not taking
8 it out of the office. I am aware in Kent County and
9 I believe -- I know in Kent County and I believe I
10 heard New Castle County it's the practice of the
11 Presentence Office to give defense counsel a copy so
12 you can review it with the defendant.

I never saw it to controvert statements

13 In this case, it's not possible. I think it
14 violates due process. I think it violates the
15 confrontation clause because my client is not able to
16 view all the facts in it.

states y. on a mind right to a jury trial on statements in PSI

17 I am not personally aware of all the facts
18 of the old convictions that are going to be reviewed
19 by Your Honor, and it factors into how to determine
20 his sentence. I believe in recent case law, Blakely,
21 Booker, taking out some of the discretion of the
22 sentencing judge above sentencing guidelines. In
23 this case, you know, obviously, Your Honor hasn't

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

Sentencing me on matters that were not found by jury

1 sentenced yet.

2 I don't know if you will be or won't be, but
3 it makes it difficult to refute any complaints that
4 are in the presentence report unless I can review
5 them all properly with my client.

6 THE COURT: Booker and Blakely aren't

7 applicable to the Delaware sentencing scheme. They

8 are applicable to that (particular state) and to the
9 feds, but the Rule specifically which you site is,
10 and I quote from it. "The Court shall allow
11 defendant's counsel, or when the defendant is acting
12 pro se, the defendant and the Attorney General to
13 read the report of the presentence investigation."
14 It doesn't say get a copy of it. It says you have
15 access to it.

16 MR. ABRAM: I am aware, Your Honor, and I
17 believe that Rule is unconstitutional as written.

18 THE COURT: It is unconstitutional as
19 written because of --

20 MR. ABRAM: Because it doesn't allow the
21 defense to be able to properly confront all
22 accusations in there. I think it violates the
23 confrontation clause.

*Illinois Judge to sentence
a defendant based on unchanged
conduct...*

Wrong

*Wrong
Rule?*

*Supreme Court
Washington St. - Supreme Ct
why not?*

Ab!

1 THE COURT: It does because the Court shall
2 afford the parties an opportunity to comment on the
3 report and any relevant factual inaccuracies in it.
4 You have the opportunity to study that report as much
5 as you want.

6 MR. ABRAM: Like, Your Honor, I said before
7 I have not been Mr. Cardone's lawyer as long as
8 Mr. Cardone has been incarcerated or been charged for
9 anything. I do not have intimate knowledge of these
10 past reports.

11 THE COURT: You can't write down what his
12 convictions are and say were you the man that was
13 convicted?

14 MR. ABRAM: Your Honor, I could, but also in
15 the presentence report I believe there was included
16 police reports on there, and I cannot go through
17 every situation that was in the police reports to
18 determine if they were correct or not correct.

19 THE COURT: Police reports for this case?

20 MR. ABRAM: No, of previous cases.

21 THE COURT: If he was convicted in previous
22 cases, it would be the convictions that was
23 important, wouldn't it?

*Jury did not convict me...
Public Defenders only wanted
plea bargains*

1 MR. ABRAM: Yes, Your Honor. If it was only
2 the convictions in there, then I wouldn't have to
3 worry about refuting the fact of the conviction.

4 THE COURT: But you have the police report
5 available to you.

6 MR. ABRAM: To review it, Your Honor, and
7 short of, Your Honor, if I was to sit there and copy
8 it all to take it all back to him, what would be the
9 difference of me sitting there copying it and having
10 a copy of it?

11 THE COURT: It may be an issue that we may
12 address on a statewide basis. Historically, if you
13 go back -- if you want to go back fifty years -- my
14 goodness we can go back fifty years. There was a
15 fellow by the name of Judge Herman, who later became
16 Chief Justice. At that time, there was no disclosure
17 in the report, and he so held that was a confidential
18 document of the courts considered for purposes of
19 sentencing, but as with everything, we have evolved
20 and rules have changed, and you are given a full
21 opportunity to study the report, examine the report,
22 and consult with your client about the report.

23 There are factors which I will raise with

*Abram
did not
do that*

1 other judges concerning whether or not we should have
2 a statewide policy on this. There are cost factors,
3 perhaps not to the contract attorney because you
4 would turn around and give me a bill, but for the
5 Public Defender's Office and for private counsel.

6 Mr. Cardone's presentence investigation is
7 fairly a brief presentence investigation. I have
8 seen them two, three inches thick. That means
9 somebody is going to copy them, and there is going to
10 be a cost for copying, and that issue has not been
11 addressed, at least by this county, the judges in
12 this county.

13 So I'm going to continue what has been the
14 practice based upon the Rule, that you have access to
15 the reports, and I will, in fact already have done,
16 institute a process of having Superior Court as a
17 whole look at the Rule and see if we can develop a
18 more uniform practice statewide.

19 I'm not saying we are wrong and they're
20 right, or we are right and they're wrong. I'm just
21 saying it has been left to the individual discretion
22 of the counties historically, and my biggest concern
23 right now is not so much what is in the report but

*I am
intilled
to read*

1 just a cost factor and things of that nature, but I
2 am denying your application this morning, and without
3 prejudice to renew any other case because, like I
4 say, it is evolving.

5 MR. ABRAM: Your Honor, could I just for
6 specificity -- are you ruling that it doesn't violate
7 the confrontation clause? *is this a yes, or no?*

8 THE COURT: No, it doesn't violate the
9 confrontation clause. He is entitled to a trial
10 concerning his conviction. He is not entitled to
11 have a sentencing where there is or where hearsay is
12 not permitted. Hearsay is permitted in the
13 sentencing. You don't have confrontation rights in
14 sentencing. You have a case that says confrontation
15 rights. *??? he says in 13 you don't have confrontation rights
and he says you do have confrontation rights??*

16 MR. ABRAM: I wanted it to be specific.

17 THE COURT: If you have a case, you have a
18 right to confront witnesses.

19 MR. ABRAM: I believe Your Honor any new
20 fact that is found by the sentencing judge, but that
21 is specifically to that conviction.

22 THE COURT: That so relates to a scheme
23 similar to it, a remedy whereby an additional fact

1 found by the Court then statutorily elevates the
2 crime to a higher level. *6 Amend*

3 MR. ABRAM: Right.

4 THE COURT: The hate crime determination in
5 Apprendi may expose the defendant to a higher
6 sentence. I can't remember. I don't think it
7 exposed him to a mandatory but exposed him to a
8 higher sentence, and he got the higher sentence.

9 That's part of the problem with the federal
10 sentencing scheme, and I think it was a Washington
11 sentencing scheme that you had some facts that were
12 determined by a judge, and that's the whole thing
13 with Ring also, but he is exposed here to the
14 maximum.

15 The Supreme Court has said he is exposed to
16 it, the maximum, and the guidelines are guidelines,
17 and I will consider the guidelines, and I will
18 consider his criminal record, and I will consider the
19 events of this case, any comments that both of you
20 have, he has, and the State and make a decision.

21 MR. ABRAM: Thank you, Your Honor.

22 THE COURT: All right.

23 (Whereupon, proceedings in the above-

1 entitled matter was recessed and the Court
2 proceeded with other court business, at the
3 conclusion of which the following proceedings
4 were had:)

5 THE BAILIFF: Charles Cardone here for
6 sentencing.

7 THE COURT: Let's do him in just a few
8 minutes. Let me see counsel at sidebar and a court
9 reporter too.

10 (Whereupon, counsel approached the bench and
11 the following proceedings were had:)

12 THE COURT: It would appear that some of
13 Mr. Cardone's behaviors are a little eccentric. I
14 made an inquiry this morning as to whether there was
15 a mental examination done in his charges where he has
16 on the VOP. There is assault second charges I think.
17 There was a mental exam done. I have not opened it
18 at all. I have it here. I was going to take a look
19 at it beforehand because I think it is only a couple
20 years ago.

21 MS. RYAN: Yes.

22 MR. ABRAM: Did you see in the pretrial
23 service report they stated he is competent to stand

1 trial?

2 THE COURT: I am not looking at it for
3 purposes of competency. I am looking at it for
4 purposes of what others have thought of his eccentric
5 behavior, and those were very serious charges. I
6 think the initial charges were attempted murder and
7 they pled to assault second.

8 So I am going to open this now, and I'm
9 going to probably let them take him back down for a
10 few minutes. And let you all see this because I
11 think this is -- this looks just like his health and
12 mental health history. I am going to put that back
13 in there. If you want to look at that, you are
14 welcome to look at it. I am more interested in the
15 professional.

16 MS. RYAN: This is the competent evaluation
17 that was done with the previous. There was a
18 competency done with the previous criminal cases. I
19 still have that with the old file.

20 THE COURT: I haven't seen it, after
21 studying it again this morning. This was done it
22 looks like for purposes of determining whether or not
23 he was mentally ill at the time to appreciate the

1 wrongness of his conduct, the will power, et cetera.
2 It looks like they did go through competency
3 questions also. It looks like DeBerry questions are
4 included. *what*

5 It was competency. That's not very helpful.
6 Let me see what this one is. It looks like a copy of
7 the same thing.

8 Do either of you know of any mental health
9 evaluation that he has had as to any determination?

10 MS. RYAN: I know that when that case was
11 resolved that case was resolved with a plea, and
12 there were great efforts,^P from what I can tell from
13 the file, trying get him sentenced with the VA, you *no*
14 know, some plan for him, but for the most part, I
15 don't think he was particularly cooperative with what
16 was proposed. That's the impression from my office
17 file. *She continues to guess on the side of*

defens
18 MR. ABRAM: If I recall correctly, I believe
19 that we were actually going to have a plea. Ms. Ryan
20 and I brought you our concern about that, and I
21 believe at that time you might have mentioned TASC to
22 look into it because we couldn't think of a proper
23 recommendation to help him out.

1 THE COURT: That just addresses depression,
2 alcohol abuse, and depression is the only thing found
3 at Peoples Place in '02. This looks to be a copy of
4 the same thing. All right. You are welcome to it,
5 to look at any of this stuff to see if it is helpful
6 to you if you want to. I have plenty of other things
7 to do this morning, if you want to take a look at it.

8 MR. ABRAM: Do we think we can sentence him
9 properly without having -- Your Honor, I am sure you
10 have a much better knowledge of the treatment
11 programs out there, if that's the way you choose to
12 go.

13 THE COURT: I will be quite honest with you.
14 Mr. Cardone -- I think the VOP report hit it. *It is a lie*
15 Mr. Cardone's actions are unpredictable and a threat
16 to the community at large. If you look at his
17 record, he likes knives. This is the third
18 conviction involving a knife. Although, this was
19 probably the smallest of the knives. He has had
20 knives. He has CCDW that was pled to, CCDI, and then
21 he has assault seconds that were very serious
22 involving knives, and now we have an episode here.

23 I am, quite frankly, puzzled as to his

1 behavior, and any sentence that I do right now is
2 going to come hard on community safety because if he
3 is behind walls he is not pulling a knife on anybody,
4 not getting drunk and acting bizarre and doing what
5 he is doing.

6 The first conviction concerning possession
7 of a concealed dangerous instrument, which was a
8 knife. He was arrested for some misdemeanor charge,
9 and when they arrested him, they found a knife in a
10 sheath hidden in his pants under his shirt.

11 I will tell you what I am going to do this
12 morning. I am going to continue it to see if there
13 is any other mental health reports out there
14 concerning him that anybody may have. It appears he
15 may be a very mean, old drunk. When he gets drunk,
16 he gets mean. When he gets mean, he does bad things,
17 but I will continue it for a week or two to determine
18 that.

19 MS. RYAN: Is Your Honor not ordering one to
20 be done? I just don't think Mr. Cardone is going to
21 be particularly cooperative with anything. It could
22 be spitting in the wind. He hasn't shown much
23 cooperation with anything in this being done.

1 THE COURT: Is this a Catch 22?

2 MR. ABRAM: If you did, in fact, sentence
3 him today or consider resentencing him after a report
4 is done, that way he would have nothing to lose but
5 only to gain if the report determined that.

6 THE COURT: I tell you what I have done in
7 the past. I have sentenced people on what the
8 defendant may consider to be the heavy side,
9 reserving the privilege of -- reserving jurisdiction
10 to amend the sentence and bringing them back after a
11 certain period of time to see what mental health
12 issues have been done. But I'm not certain I want to
13 do that. I don't know enough. There's too much
14 smoke.

15 I don't think -- I don't have any doubts
16 about his competency. I don't have any doubts that
17 he can be a mean son of a bitch, okay, and I don't
18 have any doubts that he can be a threat to community
19 safety when he is drinking. My question is: What if
20 there is anything that we could do in the prison
21 system that could cause me to make his sentence
22 shorter than I would give him right now because it
23 would be on a VOP when he is exposed to a very long

1 period of time, and I would be inclined to giving him
2 that today, and I may order a mental examination.
3 I'm going to think about it. All right.

4 (Whereupon, counsel returned to the trial
5 table and the following proceedings were had:)

6 THE COURT: I don't mind telling him.

7 You are here for sentencing, Mr. Cardone,
8 and I am going to think about it some more and look
9 for some more information. You have a bad record.
10 You have been convicted of using a knife and
11 threatening people, and this charge you are on
12 probation for using a knife and stabbing your
13 stepfather in an assault second. And you have a
14 previous conviction of possession of a deadly
15 weapon -- excuse me, possession of a dangerous
16 instrument, pled down where you had a knife.
17 Actually, I think at the same establishment that
18 started all this episode years ago.

19 You are a scary individual. When you are a
20 drunk individual, you are a danger to the community.
21 I just told your lawyer that I am inclined to fall on
22 the side of community safety and put you in jail for
23 a very long period of time if I sentence you today,

*I am already sentenced to the max time by his biased
and prejudicial
statements*

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

1 and I am inclined to find out a little bit more about
2 you before I make that determination.

3 I don't know if you want to be cooperative
4 or uncooperative. That is up to you. Thus far, you
5 have not been very cooperative with many people, but
6 I may even go as far as ordering -- there was a
7 competency evaluation done in the attempted murder
8 case that was pled to assault second. And you were
9 deemed competent.

10 I don't have any doubt that you are
11 competent now. I just want to know a little bit more
12 as to whether or not, quite frankly, sir, whether you
13 just go to jail for a very long period of time and
14 that's it or will you go to jail for a long period of
15 time and have the opportunity for me to review the
16 progress that you are making as far as the issues
17 that you have, or the issues that I perceive that you
18 have.

19 Do you understand me?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Any questions, sir?

22 THE DEFENDANT: Just bottom line here.

23 THE COURT: The bottom line today?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: The bottom line today is we are
3 not going to do anything today other than punt.

4 THE DEFENDANT: Okay. Yes, sir.

5 THE COURT: We are going to punt. Do you
6 understand what I am saying?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right.

9 I will give you a new date. I am going to
10 think about it and give you a new date, who I want to
11 take a look at it, and it is a perfect case -- this
12 would be a perfect case for the public defender
13 psycho-evaluator, but I don't have a public defender
14 psycho-evaluator.

15 THE DEFENDANT: Sir, thank you for your
16 consideration, reconsideration.

17 THE COURT: Well, it ain't over till it's
18 over. You may not be happy with me when it's all
19 said and done. This is very serious, and I think I
20 told your lawyer the biggest concern that everybody
21 has about you is that you are unpredictable, and
22 while today you are civil and you're behaving like a
23 gentleman, tomorrow you can curse somebody out till

biased and prejudicial statements

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

1 the cows come home, and then you start posturing and
2 you get yourself in a situation where the people are
3 concerned what are you going to do next.

4 All right. That's all today.

5 (Whereupon, the proceedings in the above-
6 entitled matter were concluded.)

7

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C E R T I F I C A T E

3 I, CHRISTINE L. QUINN, an Official Court Reporter
4 of the Superior Court of the State of Delaware,
5 Certification No. 123-PS, do hereby certify the above
6 and foregoing Pages 2 thru 22 to be a true and
7 accurate transcript of the proceedings therein
8 indicated on Thursday, May 12, 2005, as was
9 stenographically reported by me and reduced to type-
10 writing under my direct supervision, as the same
11 remains of record in the Sussex County Courthouse at
12 Georgetown, Delaware.

CHRISTINE L. QUINN

October 5, 2005
Date

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

Nov. 01, 05 - Pg 1 of 6

In the Supreme Court of the State of Delaware

Charles F. Cardone - Appellant

v.

State of Delaware - Appellee

Case No.

0409005091A

+
02010218646
Copies
2

To: Lisa A. Semans

I have been sending you, (Supreme Court of Delaware ^{letters}) in support of my appeals in the above case No.'s. I am directing you (Senior Court Clerk) to docket these letters to advise the Court of the ineffectiveness of my court appointed conflict/pool/contract attorney, Michael R. A. Brom. I am, and have, since before my trial of March 28, 2005, claimed IAC which is noted in a pre-trial hearing prior to my jury trial of March 28, 2005. Mr. A. Brom has not provided me with that transcript, nor, has he directed the court reporter to provide the transcripts of these proceedings. I have directed in the enclosed letters I have provided in support of my allegations and appeals. Again, I am instructing you, (Lisa A. Semans, senior court clerk of the Supreme Court of Delaware) to docket these matters in support of my claim of ineffective assistance of counsel and to docket these letters I have had to provide to the Delaware Supreme Court in support of my appeals in the above Case No. 5.

Very truly yours,

Charles F. Cardone (B. 11)

* Lisa A. Semons

Nov. 1, 05

Pg 2 of 2

— Pursuant to your September 26, 2005, letter to Mr. Abram, which I have a copy of, I wish to know who in "the Court" directed you, (Lisa A. Semons) to tell Mr. Abram I should not correspond with "the Court"? On a closing note, the only action I am directing the clerks of the Delaware Supreme Court is to docket materials and informations I send.

Cfc
SBI #098159

Supreme Court of Delaware
#8 Supreme Court of ~~Delaware~~ ^{Building}
55 The Green
Dover, DE 19901

To: Chief Justice Myron T. Steele
 Michael R. Abram
 Judge Graves

Sent this date
 pay to -37

To: Steele + Graves

RE: Direct appeal - Case Nos. 0409005091A
 0201021864

* 6 at copy - 3-14-06

Dear Sirs:

I find myself writing to the Chief Justice for relief that you, Mr. Abram, and you, Judge Graves, have denied me, and are continuing in your denials, to provide me with transcripts of the particular proceedings and hearings of the above case numbers for appellate review.... allow me to quote from Supreme Court Rule 14: "Relevant portions of record required... Where defendant failed to provide portions of the trial transcripts that support my claims of error, there was no adequate basis for evaluating the merits of my claims; thus appellate review was precluded."

Ingram v. Heiman, Id. 2000
 I have been requesting transcripts of all court proceedings in re the above case numbers only to be limited in my requests. My requests are to include my public defender's December 3, 2004 motion to withdraw transcripts, my preliminary hearing transcripts of September, 2004, and my hearing on March 28, 2005, just before the beginning of my trial on that date. This pretrial hearing was to inform Judge Graves that my court appointed attorney, Mr. Abram, did not file a single pre trial motion on my behalf. - I have copies of my numerous

requests to Mr. Abram, as well as Judge Graves, to provide these transcripts to me. As of this date, my requests have apparently been refused.

Please advise,

CHARLES F. CARDONE
SBI # 098159

TO: Chief Justice
Myron T. Steele

Dec. 7, 2005

FROM: Charles F. Cardone - SBI #098159

RE: Direct Appeals - Case # 0409005091A
0201021864

* Get copy - 3-14-06

Sir:

I am writing this letter to you to advise your Honor and the Supreme Court of Delaware that I am insisting that justice will prevail in my appeals of the above case numbers... justice that is being denied me by my court appointed attorney, Michael R. Abram, a court appointed attorney from Georgetown, and Judge T. Henley Graves of Superior Court. I have filed formal complaints with the ODC against Mr. Abram for ineffective assistance of counsel and a formal complaint against Judge Graves that you denied me relief in my complaint in the Court of the Judiciary

C.J. No. 6, 2005. — As to Mr. Abram, immediately prior to my March 28, 2005 jury trial in front of Judge Graves, I requested a hearing conducted by Graves, to advise the court of my complaint against Mr. Abram, which Judge Graves, at the time of that hearing, denied me relief. Now, on November 28, 2005, in a visit to me here at DCC, Mr. Abram and I talked about claims of error to be raised in our direct appeal.... I raised several points that Mr. Abram wrote down, which we felt that he would prepare and submit for the Court's consideration. On December 2, 2005, I received Mr. Abram's opening brief on appeal from Superior Court. This brief contained none of Mr. Abram's objections during our trial that Graves overruled. These overruled objections are the same objections Mr. Abram and I spoke about in our November 28, 2005, meeting.



One of my questions to you, sir, why weren't these points included in our appeal? I will try and answer this particular question: I have tried, repeatedly through requests to Mr. Abram by certified mail, requests to Judge Graves, requests to the Dover arm of the Supreme Court, to supply me with transcripts of all proceedings conducted pursuant to my trial by jury on March 28, 2005. My requests have been denied. — The reason for this letter to you, Justice Steele, is: I am being denied due process pursuant to Rule 26 of your Supreme Court.

I will send Mr. Abram a copy of this letter in expectation that he will prepare and submit the points we tackled about in our November 28, 2005, meeting in re our appeal pursuant to Rule 26 to which he will then serve upon the State so the State shall respond and/or make any application it deems necessary. — Judge Graves denied Mr. Abram's motion to Withdraw as my attorney sometime in October, 2005.... Mr. Abram, because of Judge Graves' denial, is now obligated to represent me pursuant to Rule 26.... if Mr. Abram submits this appeal brief as written it will not be submitted in accordance with Rule 26 (c)(1) and I am asking you, Justice Steele, to notify Mr. Abram that he is required to represent me pursuant to Rule 26 (c)(1).

Respectfully,

Sent out on Dec 12, 05
along w/ trial manuscript

Charles F. Cardone
Charles F. Cardone

Mar. 10, 2006 - Catalogue 1

I can use the following for my Habeas in District Court... if I get denied relief in Wilmington I will appeal to the 3rd Circuit. I have documented proof of being denied my multiple requests for all my transcripts starting with my preliminary hearing, Dec. 3rd, 06 Motion to Withdraw hearing filed E. Stephen Callaway not to be my public defender, at this hearing is when I told Groves about ~~my~~ Baker trying to kill me... Groves did nothing except to say "you (me) don't look to worse for wear..." prior to start of my trial of March 28, 06, at the suggestion of Michael R. Abram, my court appointed lawyer just minutes before the start of trial, I and my atty told Groves ^{in OPEN court} that Abram did not file one pre-trial motion on my behalf to which Groves responded, "if my atty doesn't see a reason to file a motion, he does not have to," and ~~the~~ my trial was started minutes ~~to~~ after. — ② Prosecutorial misconduct - Malicious prosecution by the State, Ryan, and the Judge, Groves, by allowing state's witnesses who testified against me to use their perjured testimony to confuse the jury which in turn convicted me. All the deadly weapon charges bootstrapped on me by the state were severed, dismissed and I found was found not guilty but, guilty of AGG. Ravated Menacing which stipulates "deadly weapon" in its wording... how can the jury justify finding me guilty of deadly weapon AGG. Ravated Menacing Charge and at the same time find me not guilty of all the other deadly weapon charges? — "Claims involving the mistreatment of arrestees or pretrial detainees in custody are governed by the 14th Amendment's Due Process Clause instead of the 8th Amendment's Cruel and Unusual Punishment Clause, which applies to such claims by convicted prisoners. However, the applicable standard is the same, so decisional law involving prison inmates applies equally to cases involving arrestees or pretrial detainees. — The 8th Amendment right to be free from cruel and unusual punishment is clearly established.

(P. 4) →

Furthermore, it is clear from existing law that the use of excessive force by a prison guard against an inmate is a violation of this right. See, e.g., Amaro v. Taylor, 170 F. Supp. 2d 460 (D. Del. 2001) (denying qualified immunity to prison guards who used excessive force against an inmate.) and thus would be unlawful in light of the existing law. — U.S. District Court, D. Delaware, v. Robert I. George et. al. No. CIV. A. 02-1686-KAJ

— See U.S. Dist. Ct., D. Delaware. Maurice Barrett v. Wendy Cople, No. CIV. A. 00-883-SLR (2002) ALSO:

Horowitz v. Fed. Kemper Life Assur. Co., 57 F. 3d 300, 302 n. 1 (3d Cir. 1995)

— To sustain a civil action for §1983 malicious prosecution, I must demonstrate that: (1) the defendant initiated a criminal proceeding; (2) the proceeding ended in plaintiff's favor; (3) the proceeding was initiated without probable cause; and (4) the defendant acted malicious^{ly} or for a purpose other than bringing the defendant to justice. See Bell v. Brennan, 570 F. Supp. 1116, 1118 (E.D. Pa. 1983)